

EPSOM AND WALTON DOWNS CONSERVATORS

Monday 4 November 2024 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)
Tom Sammes, Jockey Club Racecourse (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)
Simon Durrant, Jockey Club Racecourses (the Company)
Councillor Liz Frost, the Council
Councillor Bernice Froud, the Council
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

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A link to the online address for this meeting is provided on the first page of this agenda. A limited number of seats will be available 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.

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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 - 10)

The Conservators are asked to confirm as a true record the Minutes of the Conservators' Meeting held on 17 June 2024 (attached) and to authorise the Chair to sign them.

2. NEW APPOINTMENT TO THE CONSERVATORS (Pages 11 - 14)

This report confirms the appointment of a new member of the Epsom and Walton Downs Conservators by Jockey Club Racecourses following the departure of Tom Sammes and requests the Conservators to note the appointment.

3. APPOINTMENT OF A VICE CHAIR (Pages 15 - 16)

This report requests the appointment of a Vice Chair.

4. DATES OF MEETINGS IN 2025 (Pages 17 - 20)

The Conservators are requested to agree the dates of their normal meetings to be held in 2025.

5. MID-YEAR BUDGET MONITORING REPORT (Pages 21 - 30)

This item reports on the income and expenditure position as at 31 August 2024 and seeks guidance on the preparation of the budget and precept for 2025/26.

6. COMMERCIAL DOG WALKING (Pages 31 - 58)

To advise Conservators about the Pilot Commercial Dog Walking Licensing Scheme which launches in Nonsuch Park in April 2025 and to discuss impact and options for dog control on Epsom and Walton Downs.

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Minutes of the Meeting of the EPSOM AND WALTON DOWNS CONSERVATORS held at the Council Chamber, Epsom Town Hall on 17 June 2024

PRESENT -

Councillor Steven McCormick (Chair) (the Council), Councillor Christine Cleveland (the Council), Simon Durrant (Jockey Club Racecourses (the Company)), Councillor Liz Frost (the Council), Councillor Bernice Froud (the Council), Councillor Kim Spickett (the Council) and Councillor Clive Woodbridge (the Council)

In Attendance: Nigel Whybrow (Training Grounds Manager) (Epsom Downs Racecourse)

Absent: Tom Sammes (Jockey Club Racecourse (the Company)), Andrew Cooper (Jockey Club Racecourses (the Company)) and Simon Dow (Horserace Betting Levy Board (the Levy Board))

Officers present: Jackie King (Chief Executive), Brendan Bradley (Chief Finance Officer), Samantha Whitehead (Streetcare Manager), Sarah Clift (Senior Countryside Officer) and Phoebe Batchelor (Democratic Services Officer)

1 APPOINTMENT OF THE CHAIR

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 2025.

2 APPOINTMENT OF VICE-CHAIR

It was resolved that the Conservators appointed Tom Sammes as Vice-Chair to hold office until the first meeting of the Conservators held after the Annual meeting of the Borough Council in May 2025.

3 MINUTES OF THE PREVIOUS MEETING

The Minutes of the previous meetings of the Epsom and Walton Downs Conservators held on 22 January 2024 and 15 April 2024, and the Restricted Minutes of the meetings held on 16 January 2023 and 30 May 2023 were agreed as a true record and signed by the Chair.

4 MINUTES OF THE EPSOM AND WALTON DOWNS CONSULTATIVE COMMITTEE, 25 MARCH 2024

The Conservators received the Minutes of the meetings of the Epsom and Walton Downs Consultative Committee held on the 25 March 2024.

Following consideration, the Conservators unanimously resolved to:

- (1) **Receive and note the Minutes of the meetings of the Epsom and Walton Downs Consultative Committee held on 25 March 2024.**

5 DERBY UPDATE 2024

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

The following matters were considered:

- a) **Visitor Numbers.** A Member of the Conservators queried whether numbers were down due to the weather, or whether advance ticket sales had already been lower than usual. The Representative from the Jockey Club responded to explain that ticket sales for the paid enclosures were slightly higher than in 2023, but the weather did affect the Hill and Family enclosure attendance. The Representative from TJC clarified that numbers have not returned to pre-pandemic levels.
- b) **Resident queries.** A Member of the Conservators raised that resident concerns and complaints regarding the anti-social behaviour in Langley Vale were being collated to be shared with the Chair and TJC prior to a meeting with relevant parties to ensure that prior investigating and preparation could take place. The Representative from TJC informed the Committee that they are keen to work together with the local community and neighbouring residents to ensure that concerns are heard and addressed. The Chair echoed the work going on to gather all questions and comments to distribute them ahead of time to the various parties attending the meeting. The Chair recognised that there is an element of continual improvement every year, to acknowledge and learn from lessons, that come up during the build-up and takedown of the Derby. The Chair expressed thanks to the Jockey Club for their efforts.
- c) **Intermediary relationship.** A Member of the Conservators asked if some of the issues mentioned in the report could have been addressed or avoided through the intermediary party. The Chair informed the Committee that there is an ongoing conversation with the Gypsy, Romany and Traveller community and recognised that there is work to be done to improve the situation.

Following consideration, the Conservators unanimously resolved to:

- (1) **Note the update on the 2024 Derby from the Epsom Downs Racecourse**

6 FINAL ACCOUNTS 2023-24

The Conservators received a report seeking approval of the Conservators' final accounts for the financial year 2023/24.

Following consideration, the Conservators unanimously resolved to:

- (1) Receive the final accounts for 2023/24, subject to external audit.**
- (2) Approve the Annual Governance Statements as set out in section 1 of Appendix 3 to this report.**
- (3) Consider and approve the Accounting Statements as set out in section 2 of Appendix 3 to this report.**
- (4) Confirm that the arrangements for the internal audit as set out in this report are effective for auditing purposes.**
- (5) Authorise the Chair and Clerk to sign the Annual Governance Statement and the Accounting Statements on behalf of the Conservators.**

7 EPSOM DOWNS MODEL AIRCRAFT CLUB (EDMAC) MOBILITY IMPAIRED PARKING - ANNUAL REVIEW

The Conservators received a report detailing an annual review of the Epsom Downs Model Aircraft Club Mobility Impaired Parking Scheme on Epsom and Walton Downs.

The following matters were considered:

- a) Challenges or Difficulties.** A Member of the Conservators asked if Nigel Whybrow had heard of or experienced any issues that had impacted the training community on the Downs. Nigel confirmed that he had not experienced any difficulties or issues due to the parking arrangements.

Following consideration, the Conservators unanimously resolved to:

- (1) Note the success of the scheme and agree to extend the scheme for a further year.**

8 VENDING ON EPSOM AND WALTON DOWNS

The Conservators received a report discussing the feasibility of allowing vending on areas of Epsom and Walton Downs.

The following matters were considered:

- a) **Declaration.** The Chair declared that they have been approached by a vendor regarding vending on the downs.
- b) **Street trading.** A Member of the Conservators asked if the Ice Cream Vendor vacates their current pitch, could another Ice Cream Van position themselves in the vacated pitch. The Streetcare Manager responded to inform the Conservators that due to the Ice Cream Vendor being moved from their current pitch due to health and safety concerns, the Council's Licensing department would not accept an application for the same site.
- c) **Timings.** A Member of the Conservators asked if the licences will only permit vendors to work at times when they would not interfere with the training of racehorses, meaning after 12pm. The Streetcare Manager informed the Conservators that some trainers and owners have mentioned they would like to be able to get food and drinks when they are there during training hours but confirmed that no decision would be made without speaking to the training community and nothing that would negatively affect the training of racehorses would be permitted. The Representative from the Jockey Club confirmed that there is a balance to be found, through driving increased owners to have their horses at Epsom, whilst being mindful and careful to not attract too many users to the downs. The Streetcare Manager stated that all proposals and applications would have to be considered very carefully on a case-by-case basis.
- d) **Car Park surface.** A Member of the Conservators raised that the surfacing in the car parks is very poor and there is a health and safety risk if people are carrying hot drinks and food over uneven ground, and expressed hope that any money made through this scheme could be put back into improving the surface in the car parks.
- e) **Tea Hut.** A Member of the Conservators raised an issue about the competition this would bring to existing establishments on the downs, namely the Tea Hut.
- f) **Litter.** A Member of the Conservators asked about the litter management for this scheme. The Chair responded to inform the Conservators that the litter handling would be factored into the agreement with Vendors. The Streetcare Manager explained that applications that acknowledge and address litter management and sustainability would be looked upon favourably.
- g) **Dogs.** A Member of the Conservators suggested that offering treats or dog friendly refreshment options would be a popular addition that would be welcomed by dog owners. The Chair noted the comments.
- h) **Toilets.** A Member of the Conservators raised that the lack of toilets on the downs would be an issue if there are going to be additional food and drink vendors for public use.

- i) **Sustainability.** A Member of the Conservators expressed that environmental factors should be considered throughout this pilot scheme, namely reusable cups, bio-degradable plates etc., so as to protect the downs.
- j) **Timeframe.** A Member of the Conservators asked when the pilot scheme would be commencing, highlighting the difficulties that could be faced if the scheme does not begin until the Autumn and continues through the Winter months, when weather conditions are worse, and footfall is less on the downs. The Chair responded to inform the Conservators that the intention is to allow some vendors to begin trading on the downs before the end of Summer.

Following consideration, the Conservators unanimously resolved to:

- (1) **Agree to move the Soft Ice Cream vendor to the Downskeeper's Hut Car Park on the grounds of safety.**
- (2) **Agree to advertise for submissions from mobile catering operators to provide catering facilities on Epsom and Walton Downs in Top Car Park and View Point Car Park for a six-month trial period.**
- (3) **Agree to delegate the award of mobile catering contracts to the Chair and Vice Chair of the Conservators.**

The meeting began at 6.00 pm and ended at 6.39 pm

COUNCILLOR STEVEN MCCORMICK (CHAIR)

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NEW APPOINTMENT TO THE CONSERVATORS

Head of Service:	Jackie King, Chief Executive
Report Author	Phoebe Batchelor
Wards affected:	College Ward; Town Ward; Woodcote and Langley Vale Ward;
Appendices (attached):	None

Summary

This report confirms the appointment of a new member of the Epsom and Walton Downs Conservators by Jockey Club Racecourses following the departure of Tom Sammes and requests the Conservators to note the appointment.

Recommendation (s)

The Conservators are asked to:

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

1 Reason for Recommendation

- 1.1 The Company are required to appoint a new member to the Conservators as soon as reasonably practicable following Tom Sammes' departure 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:

2.2.1 The Company: Jim Allen in place of Tom Sammes;

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.

Legal or other duties

3.2 Equality Impact Assessment

3.2.1 None.

3.3 Crime & Disorder

3.3.1 None.

3.4 Safeguarding

3.4.1 None.

3.5 Dependencies

3.5.1 None.

3.6 Other

3.6.1 None.

4 Financial Implications

4.1 None arising from the contents of this report.

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

5 Legal Implications

5.1 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 **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 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

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APPOINTMENT OF A VICE CHAIR

Head of Service:	Jackie King, Chief Executive
Report Author	Phoebe Batchelor
Wards affected:	College Ward; Town Ward; Woodcote and Langley Vale Ward;
Appendices (attached):	None

Summary

This report requests the appointment of a Vice Chair.

Recommendation (s)

The Conservators are asked to:

- (1) Appoint a Vice Chair to hold office until the first meeting of the Conservators held after the Annual meeting of the Borough Council in May 2025.**

1 Reason for Recommendation

- 1.1 A Vice Chair needs to be appointed since the position has been vacated.

2 Background

- 2.1 The Conservators must appoint a Vice Chair to hold office until the first meeting of the Conservators held after the Annual meeting of the Borough Council in May 2025.

3 Risk Assessment

Legal or other duties

- 3.1 Equality Impact Assessment

- 3.1.1 None.

- 3.2 Crime & Disorder

- 3.2.1 None.

- 3.3 Safeguarding

3.3.1 None.

3.4 Dependencies

3.4.1 None.

3.5 Other

3.5.1 None.

4 Financial Implications

4.1 None arising from the contents of this report.

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

5 Legal Implications

5.1 None arising from the contents of this report.

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

6 Policies, Plans & Partnerships

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

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

6.3 **Climate & Environmental Impact of recommendations:** None 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:** None arising from the contents of 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

DATES OF MEETINGS IN 2025

Head of Service:	Jackie King, Chief Executive
Report Author	Phoebe Batchelor
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 2025.

Recommendation (s)

The Conservators are asked to:

- (1) Agree to hold their normal meetings in 2025 on the following dates:**
 - (a) Monday 27 January 2025 at 18.00 hours**
 - (b) Monday 23 June 2025 at 18.00 hours**
 - (c) Monday 3 November 2025 at 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 The June and January meetings are needed to enable the Conservators to approve 2024/25 final accounts within statutory deadlines and to set a 2026/27 budget ahead of the new financial year.

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

5 Legal Implications

5.1 **Legal Officer's comments:** None for the purposes 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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MID-YEAR BUDGET MONITORING REPORT

Head of Service:	Kevin Hanlon, Interim Chief Finance Officer
Report Author	Oana Merla, Accountant
Wards affected:	College Ward; Town Ward; Woodcote and Langley Vale Ward;
Appendices (attached):	Appendix 1 – 2024/25 Mid-Year Monitoring Appendix 2 – 2023/24 External Audit Report

Summary

This item reports on the income and expenditure position as at 31 August 2024 and seeks guidance on the preparation of the budget and precept for 2025/26.

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 2025/26;**
- (3) Note the conclusion of the 2023/24 external audit of the accounts.**

1 Reason for Recommendation

- 1.1 To make the Epsom & Walton Downs Conservators (EWDC) aware of the mid-year financial position for 2024/25 and seek guidance on the provisional budget estimates for 2025/26.

2 Background

- 2.1 The Conservators' budget for 2024/25 was agreed at the meeting of 22 January 2024.
- 2.2 The budget monitoring statement at Appendix 1 shows income and expenditure from 01 April 2024 and provides a forecast outturn position for 2024/25, in the standard accounts format for EWDC.

- 2.3 Net expenditure for 2024/25 is forecast at £486,617, which would result in an adverse variance of £447 against the budget of £486,170. This adverse variance is due to £187 additional spot hire of vehicles during Derby, an £885 increase in irrecoverable VAT, and a £370 decrease in metal detector permit income, all partially offset by increased hire charge income of £995.
- 2.4 The working balance stood at £44,310 at 31 March 2024. The projected £447 deficit, and the addition of a £7,000 budgeted contribution to reserves, would increase the working balance to £50,863.

3 Budget Estimates 2025/26

- 3.1 The final column of Appendix 1 provides an indicative budget position for 2025/26. 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 3% increase in precepts would be required to set a balanced budget for next year.
- 3.2 The main provisional changes from 2025/26 are:
- 3.2.1 Staffing budgets have been increased by an indicative 3%, although this is for EWDC planning purposes only while pay deal negotiations for 2025/26 remain ongoing.
- 3.2.2 Fees and charges income budgets have been increased by 6%.
- 3.2.3 The budgeted contribution to the working balance has increased from £7,000 to £7,194, in order to ensure a balanced budget.
- 3.2.4 The majority of other running budgets have been inflated by 3% 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 2025. It enables early consideration of the recommended precepts for 2025/26 and any options the Conservators would like to have included in the budget report.
- 3.4 An increase in each preceptor's contribution of 3% would create a balanced budget which incorporates an annual contribution of £7,194 to replenish the working balance.
- 3.5 Inflation is currently at 2.2% (August 2024 consumer price index) although inflation is forecast to increase later in the year. The Government's current inflation target is 2%.

4 Audit of the Accounts 2023/24

- 4.1 The external auditors, PKF Littlejohn LLP, have completed the audit of the accounts for the year ended 31 March 2024.

- 4.2 The auditors have signed off the audit certificate. The auditors concluded their opinion that the information in Section 1 and 2 of the 2023/24 Annual Governance and Accountability Return (AGAR) is in accordance with Proper Practices and no matters have come to their attention giving cause for concern that relevant legislation and regulatory requirements have not been met.
- 4.3 The accounts and audit documents were published on 24 September 2024 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 £22,192. This is a reserve held to cover unexpected costs of replacing vehicles, equipment and building repairs.
- 6.2 The indicative 2025/26 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 £50,863 at 31 March 2025. In addition, the Repairs and Renewals Fund will hold a projected balance of £22,192.
- 7.3 **Section 151 Officer's comments:** The Conservators are asked to provide guidance on the indicative budget for 2025/26. Based on this guidance, a final draft budget will be brought back to Conservators for approval in January 2025.

8 Legal Implications

- 8.1 There are no legal implications arising from the contents of this report.
- 8.2 **Legal Officer's comments:** None arising from the contents 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 2024/25 – 22 January 2024
- Final Accounts 2023-24 – 17 June 2024

Other papers:

- None.

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<u>2023/24</u> <u>Outturn</u>	<u>EWDC Mid-Year Budget Monitoring 2024/25</u>	<u>2024/25</u> <u>Budget</u>	<u>Actuals to</u> <u>31.08.2024</u>	<u>2024/25</u> <u>Forecast</u> <u>Outturn</u>	<u>2024/25</u> <u>Forecast</u> <u>Variance</u>	<u>2025/26</u> <u>Indicative</u> <u>Budget based</u> <u>on 3% precept</u> <u>increase</u>
£		£	£	£	£	£
	Grounds Maintenance					
0	Maintenance of Grounds	220	0	220	0	227
0	Car Park Repairs	3,440	0	3,440	0	3,543
28,332	Tree Maintenance Schedule	13,300	0	13,300	0	13,699
6,916	Fuel	10,825	1,942	10,825	0	11,150
7,714	Spot hire of vehicles	1,000	1,187	1,187	187	1,223
3,194	Transport Insurance recharge	3,545	0	3,545	0	3,651
0	Chemicals for weed control	445	0	445	0	458
32,530	Transport fleet recharge	34,480	0	34,480	0	35,514
3,430	Internal trade waste fees	3,965	0	3,965	0	4,084
82,116	Sub-Total	71,220	3,128	71,407	187	73,549
	Keepers Hut					
3,181	Engineering and fabric recharges	3,290	1,118	3,290	0	3,389
24	Building and M&E maintenance	1,190	0	1,190	0	1,226
1,755	Electricity	3,675	460	3,675	0	3,785
825	Business Rates	1,030	0	1,030	0	1,061
463	Water dispenser costs	320	82	320	0	330
159	TV Licence	175	0	175	0	180
0	General office expenses	100	0	100	0	103
769	Insurance recharges	1,145	0	1,145	0	1,179
7,176	Sub-Total	10,925	1,659	10,925	0	11,253
	Central Expenses					
28,000	Additional pension contribution	28,000	0	28,000	0	28,000
1,312	Budgeted contribution to Repairs & Renewals Fund	2,000	0	2,000	0	2,000
617	Clothing & uniforms	700	278	700	0	700
6,000	Budgeted contribution to Working Balance	7,000	0	7,000	0	7,194
1,638	External Audit	1,710	0	1,710	0	1,761
360	Miscellaneous expenses	1,165	75	1,165	0	1,165
82	General office expenses	1,125	0	1,125	0	1,125
27,710	VAT payments	25,010	0	25,895	885	26,504
296,920	Operational Services Recharge EWDC	314,735	0	314,735	0	324,177
22,200	Management Costs Recharge	23,540	0	23,540	0	24,246
1,004	Insurance	1,420	0	1,420	0	1,463
555	Internal audit	590	0	590	0	608
386,397	Sub-Total	406,995	353	407,880	885	418,943
	Derby Travellers Caravan Site					
4,490	Contract Payments	4,505	0	4,505	0	4,640
4,490	Sub-Total	4,505	0	4,505	0	4,640
480,179	Gross Expenditure	493,645	5,141	494,717	1,072	508,385

<u>2023/24</u> <u>Outturn</u>	<u>EWDC Mid-Year Budget Monitoring 2024/25</u>	<u>2024/25</u> <u>Budget</u>	<u>Actuals to</u> <u>31.08.2024</u>	<u>2024/25</u> <u>Forecast</u> <u>Outturn</u>	<u>2024/25</u> <u>Forecast</u> <u>Variance</u>	<u>2025/26</u> <u>Indicative</u> <u>Budget based</u> <u>on 3% precept</u> <u>increase</u>
£		£	£	£	£	£
	Income:					
-5,447	Hire charges	-4,005	-3,265	-5,000	-995	-4,245
-3,249	Interest on Balances	-2,000	0	-2,000	0	-2,060
0	Misc. income	-1,470	-1,050	-1,100	370	-1,325
-8,697	Gross Income	-7,475	-4,315	-8,100	-625	-7,630
471,482	Net Expenditure	486,170	826	486,617	447	500,755
	Precepts:					
-275,190	Borough Council	-291,700	-291,700	-291,700	0	-300,450
-45,865	Training Board	-48,620	-48,620	-48,620	0	-50,080
-137,595	Epsom Racecourse	-145,850	-145,850	-145,850	0	-150,225
-458,650		-486,170	-486,170	-486,170	0	-500,755
12,832	Surplus (-) / Deficit in Year	0	-485,344	447	447	0
41,142	Working Balance brought forward 1 April			44,310		50,863
6,000	Add budgeted in year contribution to working balance			7,000		7,194
0	Less contribution to EAFRD project from working balance			0		0
10,000	Add agreed transfer from R&R fund					
-12,832	Surplus/deficit for the year			-447		0
44,310	Forecast Working Balance carried forward 31 March			50,863		58,057
28,880	Repairs & Renewals Balance brought forward 1 April			20,192		22,192
1,312	Add budgeted in year contribution to R&R Fund			2,000		2,000
-10,000	Less contributions from R&R Fund			0		0
20,192	Forecast Repairs & Renewals Balance carried forward 31 March			22,192		24,192

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 2024; 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 2023/24

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.

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

None.

3 External auditor certificate 2023/24

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 2024.

External Auditor Name

PKF LITTLEJOHN LLP

External Auditor Signature

Date

17/09/2024

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COMMERCIAL DOG WALKING

Head of Service:	Ian Dyer, Head of Operational Services
Report Author	Samantha Whitehead
Wards affected:	College Ward; Town Ward; Woodcote and Langley Vale Ward;
Appendices (attached):	Appendix One - Walkers with dogs at Epsom and Walton Downs Training Grounds - Preliminary assessment notes for The Jockey Club Appendix Two – Dog Control Signs Appendix Three – Joint Press Release

Summary

To advise Conservators about the Pilot Commercial Dog Walking Licensing Scheme which launches in Nonsuch Park in April 2025 and to discuss impact and options for dog control on Epsom and Walton Downs.

Recommendation (s)

The Conservators are asked to:

- (1) Note the pilot Commercial Dog Walking Licensing Scheme in Nonsuch Park**
- (2) Agree to the proposed actions set out in Section 4 of this report.**

1 Reason for Recommendation

- 1.1 A pilot Commercial Dog Walking Licensing Scheme is due to launch in Nonsuch Park in April 2025. This may result in a displacement of commercial and non-commercial dog walkers to other parks and open spaces within the Borough. The Committee is asked to note this, as any increase in commercial or volume dog walking activity on Epsom and Walton Downs may prompt the Conservators to consider implementing their own licensing scheme in the future.
- 1.2 To address recent concerns raised by the Epsom and Walton Downs Consultative Committee regarding a lack of dog control on the Downs, the Conservators are asked to agree to the proposals outlined in section 4 of this report.

2 Background

- 2.1 Dog control on Epsom and Walton Downs has been a significant topic of discussion for many years.
- 2.2 In 2015, the Jockey Club responded to a rising number of complaints from local trainers by commissioning a study by an Access Management Consultant titled "Walkers with dogs at Epsom and Walton Downs Training Grounds – Preliminary assessment notes for The Jockey Club". Please see appendix one.
- 2.3 As a result of this assessment several actions were taken:
 - 2.3.1 New signs were commissioned and placed at strategic locations over the Downs. Please see appendix two.
 - 2.3.2 Press releases and social media posts were issued by the Council and the Jockey Club. Please see appendix three.
 - 2.3.3 The Council's Ranger Service were deployed to carry out a communications exercise on the Downs to launch the new campaign.
- 2.4 Overall, the Dog Control campaign was seen as a success and the majority of dog walkers complied with the polite request to keep their dogs on a lead before 12 noon or when horses were present.

3 Current situation

- 3.1 Post-COVID, surveys and reports from organisations like the Pet Food Manufacturers' Association (PFMA) suggest that many households adopted dogs during the pandemic.
- 3.2 Estimates indicate that around 3.2 million dogs were acquired between 2020 and 2021.
- 3.3 All parks and open spaces have seen a significant increase in dog walkers and the number of commercial dog walkers has risen as more people have returned to the workplace.
- 3.4 The recent surge in dog ownership, coupled with media reports of dog attacks and local incidents of inadequate dog control, recently prompted the Nonsuch Park Joint Management Committee (JMC) to conduct a survey to assess public opinion on this issue, particularly regarding the practice of walking multiple dogs and commercial dog walking.
- 3.5 Just under 1000 people responded to the consultation and the results of the survey were considered at the JMC's meeting in June 2024. At this meeting the committee resolved to set up a Working Group to examine the responses in more detail.

- 3.6 The Working Group met on several occasions and after further consultation with commercial dog walkers, a proposal was taken to the JMC in October 2024 to establish a Commercial Dog Walker's Licensing scheme in the park. The twelve-month pilot licensing scheme was approved by the Committee and will be launched in April 2025.
- 3.7 The Committee also approved a proposal for a Dog Walking Code of Conduct which will form the basis of publicity campaigns aimed at all dog walkers.
- 3.8 The JMC's approach to managing dog control in Nonsuch Park could have implications for other parks and open spaces in both Sutton and Epsom & Ewell. Commercial dog walkers who opt not to participate in the licensing scheme may shift their business activities to alternative locations as may those who are not professional walkers but still exercise a number of dogs together.
- 3.9 If displacement occurs, this could significantly impact Epsom and Walton Downs, especially given that concerns have already been expressed by the hack riding community and racehorse trainers regarding the number of dogs on the Downs that are deemed to be out of control and have poor recall.

4 Proposals

- 4.1 Whilst officers have begun exploring the possibility of implementing a similar Commercial Dog Walking Licensing Scheme for Epsom and Walton Downs, initial guidance from the Council's in-house legal advisor indicates that introducing a licensing scheme on the Downs may not be straightforward due to the Council not being the land owner and the land being subject to an Act of Parliament and Byelaws.
- 4.2 The current legal advice is to carefully monitor the situation on the Downs and if there is evidence to support an increase in commercial/multiple dog walking, then a further report with a proposal should be brought to Conservators at a future meeting.
- 4.3 In the interim, it is proposed that officers collaborate with representatives from the Jockey Club and the Hack Riders to develop a new code of conduct for dog walking on the Downs, review the existing signage, and conduct a publicity campaign like the one carried out in 2015/16, as detailed in section two of this report.
- 4.4 If the committee agrees to this course of action, then details of the above will be brought back to the Conservators for their consideration and for allocation of a budget to carry out the campaign at the January 2025 meeting, with a view to launching the campaign in the spring.

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 Regulating dog walking activities on Epsom & Walton Downs will help to prevent anti-social behaviour relating to out of control or dangerous dogs.

5.3 Safeguarding

5.3.1 Developing and promoting a Dog Walking Code of Conduct for Epsom and Walton Downs will help safeguard the public, hack riders and the training community.

5.4 Dependencies

5.4.1 This proposal is dependent on collaborative working with all stakeholders.

5.5 Other

5.5.1 None.

6 Financial Implications

6.1 There are no immediate financial implications connected to the proposals in this report.

6.2 **Section 151 Officer's comments:** The costs of any signs, monitoring should be met from the license scheme income budget.

7 Legal Implications

7.1 There are no immediate legal implications connected to the proposals in this report.

7.2 **Legal Officer's comments:** None for the purpose of this report, should the committee decide to pursue any further actions relating to dog control in the future, legal will need to be involved.

8 Policies, Plans & Partnerships

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

- Effective Council
- Safe and Well

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:** None

8.5 **Partnerships:** These proposals rely on collaborative working with all stakeholders.

9 Background papers

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

Previous reports:

- None

Other papers:

- None

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Walkers with dogs at Epsom and Walton Downs Training Grounds

Preliminary assessment notes for The Jockey Club



25 September 2015

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The author would like to thank The Jockey Club staff for their cooperation and for making the time to openly share their information and experiences.

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Disclosure of interests statement

As a specialist in managing access for walkers with dogs the author is, and has been, professionally involved with projects and case studies mentioned in this report, and has worked with, and for, organisations including: Natural England, Forestry Commission; The Kennel Club; The Crown Estate; Scottish Natural Heritage; National Farmers' Union Scotland; Blue Cross; Suffolk Coast and Cannock Chase AONBs; Scottish Countryside Rangers' Association; Society for Companion Animal Studies; Your Dog magazine; several wildlife trusts, local councils and national parks. Full details on request.

1 INTRODUCTION

1.1 Aims and objectives

This preliminary assessment was commissioned by The Jockey Club to assess the current situation and potential for management changes regarding walkers with dogs at Epsom and Walton Downs (the Downs), with a view to reducing unwanted interactions between walkers with dogs and horses being ridden both commercially and recreationally.

While this initial assessment did identify a wide range of opportunities and options to improve access management and reduce any risks of injury arising from walkers with dogs, the 1.5 days commissioned for the site visit and initial report mean that only an overview can be presented here.

An expanded and referenced report would identify in more detail the good practice management options available, along with images, recommendations and an action plan. This can be commissioned on request.

Most of the conclusions and recommendations in this or any expanded report would need to be further explored, verified and tested with land managers, stakeholders and access users (including further monitoring and collection of survey data) to ensure the most productive management approach.

1.2 Data sources

Given the resources available for this preliminary report, the author has not attempted to produce a complete review or study of all the information, research and management initiatives relating to visitors with dogs in the locality.

Instead, this report is primarily based on the following data sources:

- A site visit from 7am to 3pm on Saturday 12 September with Jockey Club staff.
- Oversight of meeting minutes and other relevant documentation provided by The Jockey Club.
- Records of public rights of way as depicted on current Ordnance Survey Explorer maps.
- Background email and telephone discussions with Jockey Club staff.

2 WALKERS WITH DOGS: BACKGROUND

The following key generic principles and legal context underpin the specific conclusions and recommendations made later in this report.

2.1 Summary

- Walkers with dogs are one of the most frequent groups of year-round access users in the UK, with a dog being taken on around half of all visits to the countryside and urban greenspace.
- 20% of homes in south-east England contain a dog.
- Dog owners are most highly motivated to find and use off-lead access, close to home and away from traffic.
- Off-lead exercise is the single most important amenity for 85% of all dog walkers. Management initiatives that do not address this reality are likely to be inefficient and displace problems, rather than solve them.
- The opportunity to reduce unwanted interactions between pet dogs and ridden horses, solely through legal enforcement or education, is in practice quite limited.
- The most effective way to influence dog owner behaviour will arise from understanding and accommodating their needs in an area-wide management approach that goes beyond the boundaries of the Downs.
- The primary influence on dog walker behaviour is the behaviour of other dog walkers and advice from their vets. Information and signage from, for example, site managers and local councils tend to be far less influential.
- Seeking to support the positive aspects of dog ownership, as well as reducing related negative impacts, is the most effective way to engage with dog owners, optimise effectiveness and reduce adverse publicity.

2.2 Legislative context

An understandable initial reaction to unwanted behaviours by visitors with dogs can be to simply “enforce the law”.

However, the fact that there are still concerns about behaviours on this site, even though relevant legislation has existed for decades, is testimony to how limited an approach based on law enforcement alone can be.

Although enforcement action can be the best way to deal with specific, wilful and repeated acts of dangerous behaviour, damage, disruption or disturbance caused by known dog owners, it is not an approach that can be used in isolation to effectively influence the behaviour of dog owners more widely. This is due to limitations of the law and resources for enforcement, especially in remote or extensive areas, and particularly at a time when funding for site managers and council staff is generally limited. It is also likely to displace activity in unplanned and unforeseen ways, potentially to more sensitive sites.

There are many pieces of legislation that are in theory relevant to the Downs, but the resources allocated for this report preclude all of these being fully detailed here; however two key areas of legislation are summarised below.

2.2.1 Dogs on public rights of way

The Downs are crossed by a number of public rights of way, and there is no specific general legal requirement for how a dog should be controlled on such routes. The term “close control” is often used, but in a legal sense this only applies to enclosures containing sheep. The term is, in any case, of very limited use in practice, due to the uncertainty about what it actually means.

If an access user strays from a public right of way, and if no other access rights or permissions exist, they can become a trespasser. Contrary to popular belief, the public cannot be prosecuted for such trespass; it is merely a civil wrong. The landowner does have the right to ask them to leave and can use reasonable force to facilitate this if they refuse.

It is also very important to note that in general, with some limited exceptions, it is unlawful for a land manager to act in a way that makes it more dangerous or difficult for the public to use public rights of way. Thus, if contentious restrictions on walkers with dogs are proposed, it is far more likely that attention will be drawn to this fact, which could well lead to demands that The Jockey Club also needs to, in whole or in part, change how it operates to accommodate the public and reduce conflict with rights of way users. In essence, as far as public rights of way are concerned, the exercising of those public rights to walk and ride can often take precedence over – and thus impose limitations on – what a land manager may seek to do for commercial gain.

Rights of way legislation, and any related restrictions, generally operate independently of access provided under other legislation or local agreements. While the local Downs bylaws would need to be assessed in more detail, it is generally the case that local bylaws do not in themselves restrict people from exercising their rights of access on public rights of way.

2.2.2 Dog Control Orders

It is unfortunate that site managers were advised to specifically consider the use of Dog Control Orders (DCOs) last August, as it had been known for some time that these would be superseded by Public Spaces Protection Orders (PSPOs) from October 2014. Given the necessary consultation and administrative timescales, there was no way that DCOs could have been implemented in time.

While PSPOs can mirror some provisions of DCOs, the legal tests and processes are very different.

2.2.3 Public Spaces Protection Orders

Since October 2014 Dog Control Orders (DCOs) under the Clean Neighbourhoods and Environment Act 2005, have been replaced by a series of measures under the Anti-Social Behaviour, Crime and Policing Act 2014. These measures provide a means of addressing a wide range of anti-social behaviours (not just those arising from dog walking or ownership) that can be incrementally targeted at a specific individual (such as Community Protection Notices) or Public Spaces Protection Orders (PSPOs), that apply to everyone using a defined area, akin to a DCO.

Significantly, PSPOs are far less restricted in what they can prohibit or control, compared to DCOs; for example, DCOs could not ban dogs from permissive paths, whereas a PSPO could be used in such a way, allowing fixed penalty notices and other legal action against people who do not comply. While this less-rigid structure provides a greater level of flexibility in the use of PSPOs by local councils, it also means there can be far greater uncertainty for

dog owners about where they can go and what they can do within and between local authority areas.

As with DCOs, the use of PSPOs by local councils in parks and more formal amenity areas can result in the displacement of the undesired dog walking activity onto other areas, such as downland.

Full details and guidance about using these new powers, including significant changes in consultation requirements compared to DCOs, is contained in the Defra guidance *Tackling irresponsible dog ownership* (published October 2014).

As with DCOs, these powers have not generally been applied or enforced in more rural or naturalistic settings, although the Act does allow them to be used in such places. Area-wide PSPOs for dog fouling and dogs on lead by direction are the most likely and uncontentious form of PSPO to be implemented. In general, local councils have difficulty in finding staff time for enforcement, especially in more remote locations, although they do have the power to authorise others to act on their behalf with suitable training. Thus, The Jockey Club and other site staff on the Downs could in theory issue fixed penalty notices for behaviour prohibited under a PSPO on behalf of the local council.

3 FINDINGS AND CONCLUSIONS

Within the resources allocated for this study, the following section summarises the author's findings and conclusions in relation to current management infrastructure and practices, and this project's intended outcomes.

It is important to stress that many of the issues and challenges identified herein are recognised by site staff. This report is, therefore, more about the need for focussed, coordinated and properly-funded action, than any lack of ability or vision on the part of individual site and access managers.

3.1 Dog walking and horse riding: potential for conflict and injury

3.1.1 Findings

Where access to land by right or permission is shared by more than one person there is always the potential for conflict. Conflict can occur within user groups, such as between family cyclists and mountain bikers, and between different types of user, such as horse riders and dog walkers.

Thus, the potential for conflict among and between users on greenspace, especially in a populated area such as that around Epsom and Walton Downs, is not unusual.

However, the situation here is different and more acute in that apart from recreational riders, horses are being exercised routinely and intentionally on a daily basis, and at significant speeds by employees of businesses associated with horse racing.

While the contractual arrangements between the managers of the land and the people commercially exercising horses have not been examined as part of this study, to some degree individually and collectively there will be a duty of care towards those working on the land and also towards members of the public who can reasonably be expected to be present on the site, even if they may be technically trespassing or not complying with signs.

While it is not always clear, it appears from the incident reports examined that most recorded conflict relates to incidents involving racehorses being exercised, rather than recreational riders.

3.1.2 Conclusions

- The Jockey Club and any other relevant land managers and employers need as a priority to collectively and individually take reasonable action to reduce the risks associated with commercial riding on the Downs.
- It must also be recognised that a case could be made by access users that commercial activities are endangering the general public, just as much as land managers can understandably feel the public are endangering horses and riders. It would thus be unwise to assume that it is only the public that would be required to change their behaviours to reduce risks, especially where public rights of way are concerned (see 2.2.1). A similar situation exists for farmers where public rights of way cross fields containing cattle.

- While there is also the potential for conflict between dogs and recreational riders, it is far less clear that responsibility for that rests directly with The Jockey Club and other landowners, and thus to what degree action needs to be taken by them given the variety of access rights and permissions in place across the Downs. Thus, while The Jockey Club needs to be mindful of recreational horse riders, and ideally initiate management that addresses safety for all riders, its responsibility towards recreational riders is less clear, especially where rights of way are concerned.
- The key to effectively reducing conflict is understanding why incidents have occurred and taking appropriate action; thus improvements may accordingly be needed in reporting procedures.

3.2 Dogs being exercised on and off-lead

3.2.1 Findings

As expected, most dogs observed in this study were being exercised off-lead at some point on the Downs. It was also noted that:

- Leads did appear to be used more frequently when horses were being exercised than would be generally expected on otherwise similar sites.
- Flexi-leads were seen in use, which can give rise to accidents and injuries with horses and cyclists, despite a dog being “on a lead”.
- Dog walkers often clipped on a lead and called dogs to their sides when a horse was approaching. Accordingly the most likely scenario that could lead to a potential accident appeared to be when horses approached people from behind or the side, especially at speed.
- Sight-lines at some crossing points were very poor, meaning that horses moving at speed are only seen by walkers when the horse and jockey are almost on the public rights of way.

3.2.2 Conclusions

- Off-lead access is greatly valued by most dog walkers on the Downs reflecting national preferences.
- Asking for dogs to be kept on leads at times and places where there is a long established history of off-lead access is not an easy task.
- While many dog walkers are prepared to use leads where there is a clear immediate threat, the danger isn’t always apparent.
- If dog walkers are unable to get the off-lead access they desire on the Downs, they are most likely to seek this elsewhere. It is highly unlikely that most dog walkers will be educated out of taking off-lead access altogether.
- Removal of vegetation and infrastructure improvements to enhance sight-lines at crossing points would reduce the potential for accidents and injury.
- Dogs being kept on leads *per se* does not mean that conflict will not occur.
- A “dogs always on lead” policy would be highly controversial and difficult to enforce. It is also very questionable whether this approach would meet the evidential needs of a PSPO. It would also be very difficult to justify at times when commercial riding was not taking place.

3.3 Car parking

3.3.1 Findings

The car parks in and around the Downs play a pivotal role in facilitating when, where and how car borne walkers with dogs take access on the Downs. This is particularly so as the car parks are located close to, and adjacent to, key pinch points where conflict is particularly likely between riders, pet dogs and motor vehicles.

They also provide a very clear focus for information and engagement of visitors arriving by car, and this could be done more effectively.

As these car parks seem to be unregulated, with no express right of vehicular access, closing or restricting these car parks could be a particularly effective way to influence dog walker behaviour. However, this could well be controversial and unduly penalise those dog walkers who exercise their dogs responsibly and without conflict on the Downs.

Restricting car parking would also be likely to increase parking on the public highway and other nearby areas, so close liaison would be needed with the Highway Authority.

3.3.2 Conclusions

- Restricting access to existing car parks should be considered as one option to influence dog walker behaviours, as it could be a very effective tool.
- However, doing so could also be highly controversial and unduly antagonise and reduce the amenity of dog walkers who are behaving responsibly.
- A permit system could be used to allow visitors to use the current car parks, with withdrawal of the permit being a sanction for dog owners who do not walk their pets responsibly. This would, however, require enforcement of the permit system.
- Restriction of car parking should be kept in reserve for use if other less controversial measures have not been sufficiently effective.
- Restrictions on car parking will have little effect on people living nearby who walk onto the Downs from their homes.

3.4 On-site signage and information

3.4.1 Findings

Information directed at visitors (with and without dogs) on signs, panels and waymarks is present across the Downs. This appears to have been installed incrementally in an *ad hoc* manner, resulting in:

- Signage that, due to its placement, lack of maintenance and conflicting content, lacks credibility and impact, and is considered in many cases to have a modest, if any, impact on current visitor behaviour.
- Messages about wanted behaviours are unclear due to the use of generic terms such as “dogs must be controlled”, which does little to convey the wanted outcomes. For example, a dog under control can still present a danger to riders.
- Signage giving conflicting messages, which undermines its credibility. For example, some signage states the training times are 6.00 a.m. to midday every day, while others state that training starts at 6.15 a.m. except on Sundays when it’s 8.00 a.m. to 9.30 a.m.
- While attractive panels highlighting a Code of Conduct for the Downs have been installed in recent years and illustrate many principles of good practice, they are text heavy and do not prioritise key safety messages. While they contain maps to identify various zones, visitors are unlikely to be able to relate these zones to what they see on the ground once they have stepped away from the panels. These panels also use unclear terms such as “strict control”, and also fail to mention advice about lead usage in the woodland areas. Their placement could also be improved to increase visibility.
- Due to signage location and wording, it is not obvious to visitors whether the horses are being exercised across the whole site or just on the racecourse areas enclosed by rails. New visitors could well assume the latter. Industry terms like “gallops” are unlikely to be clearly understood by visitors, who may or may not think that refers to all the grassed areas.
- One key aspect of good signage that stood out was the clear communication that general litter bins can be used for bagged dog waste.

3.4.2 Conclusions

- Current on-site signage, while well intentioned, is unclear, inconsistent and lacks credibility. This is submitted as making a significant contribution to the current concerns about conflicts between horses and dogs being exercised on the Downs
- A clear, consistent and coordinated suite of signs and other information needs to be implemented with most - if not all - of the current signage removed. This should be one of the first steps in any management intervention. Trying to change visitor behaviours without clear signage and other information is likely to be ineffective and a needlessly contentious use of resources.
- Clear zones need to be identified on orientation maps and on the actual boundaries to show when people are entering and leaving horse exercise areas, in particular on the perimeter of the woodland areas.

3.5 Origins of dog walkers

3.5.1 Findings

Dog walkers using the site are a mix of people either arriving by car or walking in from adjacent housing. Thus, different measures are needed to influence the behaviours of these groups because:

- Local residents are unlikely to look at static information panels and signs more than once.
- Local residents can be more readily engaged with at a community level compared to visitors arriving by car.
- Local residents are less likely to be affected by restrictions on car parking and will often know a wide range of access points onto the Downs.
- Local residents are more likely to be aware of when and where horses are being exercised.

3.5.2 Conclusions

- Any management interventions need to acknowledge the opportunities and challenges that exist when attempting to influence dog walkers, and to work with the various groups of walkers with dogs depending on where they come from.
- There is a need to conduct surveys and monitor the use of the Downs to identify where visitors come from and assess which groups are more likely to cause conflict. This should be helpful in attempting to develop the most effective management interventions.

3.6 Displacement

3.6.1 Findings

The issue of displacement is of utmost importance to the successful management of walkers with dogs on the Downs. This is because the high value placed on off-lead access means that restrictions in one area are likely to move off-lead dog walking to other areas, rather than reduce the overall amount of off-lead exercise.

This is of direct relevance to the Downs because:

- Restrictions on off-lead access on the Downs are likely to displace this activity to other greenspace in the area, depending on the degree and extent of restrictions.
- Displacement to other areas can lead to greater conflict for other land managers, wildlife and visitors, depending on the sensitivities and carrying capacity of the alternative sites.
- Some of the local areas that off-lead access could be displaced to may well have nature conservation designations at a European level, such as Special Protection Areas (SPAs) and Special Areas of Conservation (SACs).
- Equally, restrictions on dogs in general - and off-lead dog walking in particular - in nearby areas of countryside and urban greenspace, could well give rise to higher levels of dog walking, on and off-lead, on the Downs.

3.6.2 Conclusions

- To be most effective, and reduce overall conflict and risk, any restrictions on current levels and types of dog walking on the Downs need to be introduced and managed as part of a wider strategic approach to manage and accommodate dog walking where it causes least conflict in the locality.
- When considering supporting or facilitating restrictions, or other management measures on the Downs, which could displace dog walking to designated sites for nature conservation, local councils and other public agencies need to be very mindful of their statutory duties arising from both the Natural Environment and Rural Communities Act 2006 for them to have regard to conserving biodiversity, and the EU Birds and Habitats Directives.

3.7 Woodland Trust land

3.7.1 Findings

Depending on how access to the land adjoining the southern boundary of the Downs (in the ownership of the Woodland Trust) is managed, this could either help or hinder efforts to reduce conflict.

- In terms of opportunity, the land could usefully accommodate off-lead access that would otherwise occur on the Downs.
- A potential threat is that increasing awareness of the Woodland Trust site could lead to more people, with and without dogs, taking more frequent access across the Downs.

3.7.2 Conclusions

Active dialogue with the Woodland Trust should be maintained and enhanced to ensure - as far as possible - that management on the Woodland Trust site complements the management objectives and provision of information on the Downs, and vice versa.

There may be merit in land and access managers providing financial and other support towards to the charitable work of the Woodland Trust to better facilitate such complementary management and to thus reduce conflict on the Downs.

3.8 Public relations and community involvement

3.8.1 Findings

The opportunities for dog walking on the Downs are clearly highly valued by local residents and people from further afield. While there is without doubt a need for management changes to improve the current situation, any substantive changes are likely to attract a high degree of interest and potential opposition if judged by visitors as unjust or excessive. As stated before, off-lead exercise is the single most valued amenity for 85% of dog walkers.

The imposition of restrictions elsewhere, such as in the New Forest, and St Catherine's Hill in Winchester, has resulted in dog owners very effectively banding together and using social media to mount sustained and high profile campaigns against restrictions. Protest marches and questions being asked in the House of Commons are not unheard of. Reaction to such opposition can take a considerable amount of time and resources, especially for front-line staff, and can damage goodwill towards neighbours for a considerable length of time, irrespective of how justified the restriction may be.

Equally, the collective interest dog walkers have in access to the Downs can be used to engage them in the process of developing better management to reduce risk for all concerned, if approached in the correct way. This is especially important as dog walker behaviour is most heavily influenced by the behaviour of other dog walkers. Thus, making local dog walkers part of the solution can be a very effective way to get the greatest levels of compliance, providing any restrictions are seen as credible, proportionate and fairly enforced.

3.8.2 Conclusions

- The Jockey Club and all other partners to any restrictions need to carefully consider the nature of their relationship with dog walkers on the Downs, as the nature of that relationship can be a help or hindrance for years to come on issues far removed from dog walking itself, such as objections to planning applications and congestion on race days. A poor relationship can also mean that dog walkers are less likely to help with informal surveillance of the site, which can otherwise aid good site management.
- Any restrictions should be introduced incrementally, as introducing management that is more restrictive than need be can cause long-lasting resentment and conflict, even if the restrictions are subsequently relaxed or withdrawn.
- Introducing any substantive extra restrictions is likely to be contentious, and doing so without prior engagement with current users is likely to needlessly heighten tensions. It is also likely to undermine opportunities to identify the most effective interventions and the use of peer pressure to aid compliance with any restrictions. Statutory consultation is needed in any case for PSPOs.

4 RECOMMENDATIONS

Key recommendations arising from the author's finding are listed below. The resources available for this report preclude including more detailed recommendations or examples of good practice; these can be made available on request.

1. Focus initially on the health and safety aspects of riders, horses and the public arising from commercial riding on the Downs. Reducing incidents for recreational riders should also dovetail into this approach, but from The Jockey Club perspective, commercial riding needs to be the primary aim from a liability perspective.
2. Before any management changes are made, engage with dog walkers currently using the site to: a) better understand the reasons behind current behaviours; b) explore the most effective options and establish the most helpful relationship; c) make dog walkers part of the solution, especially given the recognised influence of peer pressure. Engagement with canine organisations such as the Kennel Club and local vets will also aid this process.
3. Develop a more consistent method for accurately recording any incidents and the reasons why they happened. Ideally use this to establish baseline data from which to measure success following any management changes. As it will be impossible to completely eliminate the potential of any incidents occurring, identify an intervention threshold to measure success and ensure a proportionate use of resources.
4. Develop a clear access management plan for the Downs that involves awareness of, and liaison with, the actions of other land and access managers (especially the Woodland Trust) in the area. This will help to address the reality of incidents increasing due to the displacement of dog walking to and from the Downs.
5. Develop a management approach that recognises and accommodates the amenities dog walkers seek in the wider area, making it easy for them to *do the right thing* (as opposed to telling them what *not to do*), with legislation being used as a backup for individuals or situations where good management is not sufficiently effective.
6. Communicate the current management approach in a clear and consistent way with improved signage. This may well be sufficient to increase levels of compliance and adequately reduce risk without additional restrictions.
7. A “dogs always on lead” approach is not recommended. Zoning by area and time is felt to be the most effective approach to balance access rights and risks, especially as a wholly enforcement-led approaches will have a limited impact.
8. Remove and replace most, if not all, of the current signage once the management approach is agreed following consultation, to ensure the most consistent, credible and effective information is provided.
9. Remove vegetation and improve infrastructure to enhance sight-lines at crossing points and reduce the potential for injury.
10. Consider changes to car park availability by area and/or time as one of the second phase management measures if needed.
11. Develop dog walker behaviour messages from the recently published Dog Walking Code, developed by Natural England with a range of partners including the Kennel Club and National Farmers Union.

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DANGER



RACEHORSE TRAINING AREA

In the interest of safety

Before 12:00 noon

**ALL DOGS TO BE
KEPT ON LEADS**

After 12:00 noon

**Dogs may be walked off leads
provided there are **NO** horses present**

The Downs are private property

The right of access is governed by The Epsom & Walton Downs Regulations Act 1984

For more information please visit www.epsom-ewell.gov.uk/thedowns

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18 January 2016

Epsom and Walton Downs Conservators take the lead in ensuring the safety of all users

In a move designed to enhance safety for all users of the Epsom and Walton Downs, new measures related to dog walking are to be introduced from 25 January 2016.

Following several recent incidents of racehorses being chased by dogs, resulting in injuries to horses and riders, plus dog-on-dog attacks and various incidents due to the lack of control of dogs, the Epsom and Walton Downs Conservators, who manage the Downs, consider it important to take further steps to ensure a safe environment for members of the horseracing industry and the wider public, including dog walkers.

The new measures being introduced will see members of the public walking on the Downs before 12 noon asked to keep their dogs on leads. After this time, dogs may be off leads, providing they are under control and no horses are present.

The Downs are private land owned by Epsom Downs Racecourse and managed by the Conservators through an Act of Parliament.

The Conservators' principal obligations are to enable the training of the 150 racehorses and associated staff that currently use the gallops up until noon every day, to preserve the Downs in their natural state of beauty, to maintain the public's right of access and to ensure that the various users respect each other's rights and the Downs environment.

Liz Frost, Chairman of the Conservators said:

"We are so fortunate to live in this area. There is a rich history of horse racing and training on the Downs, and there is the added benefit of being allowed access to the Downs for walking amongst other activities. We cannot allow the minority, the inconsiderate individuals who do not control their dogs, put the access of the Downs by all at risk. We must ensure that we preserve and safeguard these facilities for future generations."

Nick Patton, Training Ground Manager for Jockey Club Estates who manage the gallops said:

"This wonderful landscape has been protected by the racing industry since 1640, Eclipse the most famous racehorse of all was trained in Epsom – The Downs are truly unique.

"However, acting for the landowner we must ensure the safety of all users. Therefore we ask the public to respect that the Downs is a place of work before 12 noon and to keep dogs on leads if accessing the Downs before this time. After this time dogs maybe walked off leads provided there are no horses nearby."

Anjali Healy, who walks her dogs on the Downs regularly, commented:

"The Downs are amazing we are so lucky to have them on our door step. I can see why these measures have been implemented as I have witnessed many near misses over the years."

Nick Patton can be contacted on 07584235817 and Epsom and Ewell Council on 01372 732000.

ENDS

Notes to editors:

1. Epsom and Walton Downs is popular for various activities and outdoor pursuits. Public access to the area for 'air and exercise', as long as this does not interfere with racehorse training and horseracing, is enshrined in an Act of Parliament.
2. Under the current by-laws, the public are required to ensure that dogs are under proper control and effectually restrained from causing annoyance to any person and from worrying or disturbing any animal.
3. Signs outlining the new requirements have been put in place.
4. Photo opportunities with users of The Downs can be arranged.
5. Epsom Downs Racecourse has been a venue for the sport of horse racing since the 17th Century, with the first running of the Oaks taking place in 1779 and the Derby a year later. Since that time the Investec Derby has developed into the World's Greatest Flat Race and is now part of the unique and vibrant Investec Derby Festival.

2015 saw eleven race days including the Investec Derby Festival, Live At the Races with Madness and the Bank Holiday London Gatwick Family Fun Day. More information is available at www.epsomdowns.co.uk.

Epsom Downs Racecourse is part of The Jockey Club, which has been at the heart of British racing for more than 260 years. Today the largest commercial group in the sport, The Jockey Club runs the largest racecourse group in the UK by turnover (2014: £162.9m), courses (15) including those at Aintree, Cheltenham, Epsom Downs and Newmarket, attendances (2015: 1.95m), total prize money (2015: £43.9m), contribution to prize money (2015: £19.9m) and quality racing (Group and Graded races); more than 3,000 acres of world-class training grounds in Newmarket, Lambourn and Epsom Downs; The National Stud breeding enterprise and education provider; and the charity for racing's people in need, Racing Welfare. Governed by Royal Charter, every penny The Jockey Club makes it puts back into British racing. More information is available at www.thejockeyclub.co.uk.

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