

**Minutes of the Meeting of the EPSOM AND WALTON DOWNS CONSERVATORS
held on 13 April 2016**

PRESENT -

Councillor Liz Frost (Chairman); Andrew Cooper (Epsom Downs Racecourse) (Vice-Chairman); Councillor Rekha Bansil, Councillor Lucie Dallen, Simon Durrant (Epsom Downs Racecourse), Councillor Robert Foote, Councillor Jan Mason and Nigel Whybrow (Epsom Downs Racecourse)

In Attendance:

Absent: Simon Dow (Horserace Betting Levy Board) and Councillor Clive Woodbridge

Officers present: Frances Rutter (Clerk to the Conservators), Sam Beak (Downs Manager), Bob Harding (Head Downskeeper), Tim Richardson (Democratic Services Officer), Samantha Whitehead (Streetcare Manager) and Simon Young (Head of Legal and Democratic Services)

34 DECLARATIONS OF INTEREST

The following Declaration of interest was made with regard to an item of business considered at this meeting:

Proposed Events on the Downs

Councillor Robert Foote, Other Interest: Councillor Robert Foote declared in the interests of openness and transparency that he was a member of the Epsom Downs Model Aircraft Club.

35 MINUTES OF PREVIOUS MEETING

The Minutes of the meeting of the Epsom and Walton Downs Conservators held on 20 January 2016 were agreed as a true record and signed by the Chairman.

36 ITEMS OF INTEREST DISCUSSED BY THE TRAINING GROUNDS MANAGEMENT BOARD (TGMB)

The Conservators received a report providing an update on items considered by the Epsom and Walton Downs Training Grounds Management Board (TGMB). The following matters were considered:

- a) Hatched Area at the foot of Walton Downs. The Conservators noted that the TGMB had considered that it had no reason to change its stance with regard to the Hatched Area, and had reconfirmed that it could not authorise the use of the Hatched Area for hack riding. The Conservators also noted that the Hack Rider representatives had requested further information regarding the Hatched Area at the last meeting of the Epsom and Walton Downs Consultative Committee, and that this would be reported to the next meeting of the TGMB for its consideration.
- b) Dogs on leads. The Conservators noted the thanks of the TGMB with regard to the work undertaken to introduce a restriction on dogs being walked 'off-lead' whilst on the Downs before noon.
- c) Polytrack extension. The Conservators noted that works to extend the Polytrack were progressing well.
- d) Trainer's news. The Conservators were pleased to hear that the Trainer Ralph Smith had returned to train on the Downs.

37 MATTERS ARISING FROM PREVIOUS MEETINGS AND OTHER ITEMS OF INTEREST

- a) Dog control on the Downs. The Conservators noted that the introduction of the request that dogs be held on a lead whilst on the Downs before noon daily had been highly successful. The Streetcare Manager informed the meeting that the next anticipated busy period for providing information to Downs visitors would be the school summer holidays. It was felt that information leaflets about the restriction would not be appropriate, as they could lead to littering. Dog waste bags printed with information about the restriction would be handed to dog walkers instead, and had been successful at other sites (such as Nonsuch Park) when running similar campaigns.

The Chairman had received correspondence from a local resident enquiring about the restriction on dogs being allowed 'off the lead' whilst on the Downs on Sundays prior to noon, as Racehorse training finished at 9.30am. The Conservators considered this issue, but noted that by requesting that dogs be held on leads until noon every day, a very simple and clear message could be given to Downs users. This significantly assisted the Downskeepers and provided a very easy to understand arrangement for all Downs visitors. It was noted that there were some existing signposts on the Downs which contradicted the before noon restriction on Sundays, but that they were due to be removed.

Following consideration, the Conservators supported the current restrictions (that dogs be held on leads until noon daily).

- b) The Queen's 90th Birthday Beacon. The Conservators noted that arrangements for the Beacon lighting event were progressing well. Officers anticipated that the event would be much smaller in scale than

the Golden Jubilee Beacon in 2012. The Conservators were informed that portaloos would be provided for the event.

- c) Replacement of steel posts at access points to the Downs. The Conservators were informed that replacement posts and gates had been ordered following an incident in which a racehorse had received significant injuries. These would be installed following the racing on the Downs on 20 April 2016.

38 REPORT OF THE HEAD DOWNSKEEPER

The Conservators received and noted the report of the Head Downskeeper.

39 HACK SAND TRACK, FOOT OF WALTON DOWNS

The Conservators received a report considering the position in relation to the Hack Sand Track on Walton Downs. This report had been listed as 'to follow' in the agenda and was circulated at the meeting.

The Council's Head of Legal and Democratic Services introduced the report. The Conservators were informed that concerns about the condition of the Hack Sand Track at the foot of Walton Downs had been considered by the Conservators and Borough Council 3 years ago, and that at this time it had been decided to further investigate the legal responsibility for repairing and maintaining the track.

The Head of Legal and Democratic Services informed the Conservators that following investigation of the arrangements for the track, and correspondence with the Horserace Betting Levy Board (HBLB), who held a 999 year lease for Walton Downs, he was satisfied that maintenance responsibility for the track belonged to the HBLB, and not the Conservators.

The Conservators were informed that there was an undertaking made by the HBLB to the Opposed Bills Committee of the House of Commons during the enactment of the Epsom and Walton Downs Regulation Act 1984 to maintain the track. In correspondence to the Head of Legal and Democratic Services, the HBLB had expressed that it felt that this responsibility had been passed to the Conservators as a condition of a grant for improvements to horsewalks made by the HBLB in 2000. The conditions of this grant had included that future maintenance of certain horse walks on the Downs would be accepted by the Conservators or Training Grounds Management Board (TGMB).

The Head of Legal and Democratic Services informed the Conservators that maintenance responsibilities for the horsewalks to be adopted were identified on a map agreed with the grant, but unfortunately neither the Council nor HBLB still held a copy of this map. The Head of Legal and Democratic Services informed the Conservators that he was confident that the Hack Sand Track was not included within those adopted by either the Conservators or TGMB. The Vice Chairman informed the meeting that he agreed with the Head of Legal and Democratic Services' opinion on the terms of the grant, and that his recollection was that it did not relate in any way to the Hack Sand Track. He informed the

Conservators that to his recollection, the grant from the HBLB related to horsewalks utilised by Racehorses accessing the gallops. The Vice Chairman also informed the meeting that it was possible that he might still have a copy of the relevant map, and that if he did, he would provide it to the Head of Legal and Democratic Services.

The Conservators were informed that presently, the Downskeepers undertook a weekly harrow and occasional stone-picking of the sand track, following requests from Hack Rider Representatives to the Epsom and Walton Downs Consultative Committee. The Conservators discussed the condition of the track, and potential health and safety concerns if it were used at speed by horse riders. The Conservators also noted that there were powers within the Epsom and Walton Downs Regulation Act 1984 to temporarily close rides on the Downs to enable works to be undertaken to them. The Head of Legal and Democratic Services emphasised that these were designed to be used on a temporary basis, and not permanently.

The Head of Legal and Democratic Services recommended that the Conservators should not accept responsibility for the maintenance of the Hack Sand Track, and should instruct the Downskeepers not to continue to undertake any works of maintenance to it, in light of this. The Conservators were informed that they did not own the land on which the Track was located, and did not have any maintenance responsibility for it under the Epsom and Walton Downs Regulation Act 1984. The Head of Legal and Democratic Services also recommended that if the Conservators received any future requests for works to be undertaken to the Hack Sand Track, these should be referred to the HBLB.

The Conservators considered how to best inform Downs users if it were agreed that the Sand Track was not going to be maintained by the Downskeepers. It was considered that the Hack Rider Representatives to the Consultative Committee should be informed.

Following consideration, the Conservators:

- (1) Agreed to instruct the Downskeepers not to continue to undertake any works of maintenance to the hack sand track;
- (2) Agreed to ask the Council's Head of Legal and Democratic Services to write to the Horserace Betting Levy Board to confirm that the Conservators did not accept that they are responsible for maintaining the track, and that they decline to do so.

It was noted that the Vice Chairman would look into whether he was able to access a copy of the map agreed alongside the HBLB grant for renovation of horsewalks on the Downs, and provide this to the Council's Head of Legal and Democratic Services if possible.

40 SURREY COUNTY COUNCIL PROPOSAL TO ERECT ADVANCE WARNING SIGNS ON ASHLEY ROAD

The Conservators received a report presenting a request from Surrey County Council to erect new advance warning signs for the equestrian crossing on Ashley Road.

Following consideration, the Conservators:

- (1) Approved the proposal from Surrey County Council to erect new advance warning signs on Ashley Road near to the equestrian crossing.

41 EPSOM GOLF CLUB - PROPOSAL FOR STEPS NEAR 16TH GREEN

The Conservators received a report presenting a request from Epsom Golf Club to erect new steps leading from the 16th Green of the golf course.

The Conservators noted that this application had been submitted by the Golf Club due to health and safety concerns, but requested that in future, applications for works be provided within in an annual programme of works where possible, rather than on an ad-hoc basis. It was requested that this annual programme of works be presented to the Conservators once per year in the future. It was noted that the Downs Manager would discuss this with the Golf Club.

Following consideration, the Conservators:

- (1) Approved the proposal from Epsom Golf Club to erect a new set of steps leading from the 16th Green.

42 PROPOSED EVENTS ON THE DOWNS

The Conservators received a report providing details of requests submitted to hold events on the Downs. It was noted that as the events requested had all been held on the Downs for several years without problems, the Head Downkeeper and Trainers Representative had not been directly consulted prior to the meeting. The Head Downkeeper confirmed that he did not have any concerns regarding the events proposed.

Following consideration, the Conservators:

- (1) Granted approval to the following events on the Downs:
 - a. EDMAC Cloud Tramp Event (Saturday 6 August 2016)
 - b. OMNI Terrier Derby (Sunday 28 August 2016)
 - c. Epsom College Cross Country Event (Thursday 24 November 2016)
 - d. Tadworth 10 (Sunday 8 January 2017)

(2) Noted the Calendar of Events for 2016/17.

(3) Noted the fees and charges to be applied to each event.

43 EPSOM AND WALTON DOWNS CONSULTATIVE COMMITTEE - MINUTES OF PREVIOUS MEETING

The Conservators received and noted the draft Minutes of the meeting of the Epsom and Walton Downs Consultative Committee held on 9 March 2016. The following item was considered:

a) Minute 11 f) – Cars advertised for sale on the Downs. The Conservators were informed that the Council's Enforcement Officer had looked into the issue and reported that not enforceable.

44 OUTSTANDING REFERENCES

The Conservators received and noted the position of their outstanding references to officers.

45 EXCLUSION OF PRESS AND PUBLIC

The Conservators agreed that it was not necessary to pass a resolution to exclude the public from the meeting.

46 EPSOM GOLF CLUB UNAUTHORISED DEVELOPMENT

This item had initially been marked as 'to follow' on the agenda for the meeting, but no report was presented for consideration, and it was not discussed by the Conservators.

The meeting began at 6.00 pm and ended at 6.50 pm

COUNCILLOR LIZ FROST (CHAIRMAN)