

## EPSOM AND WALTON DOWNS CONSERVATORS

Wednesday 18 January 2017 at 6.00 pm

Committee Room 1 - Epsom Town Hall

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 Liz Frost (Chairman)

Andrew Cooper, Epsom Downs Racecourse (Vice-Chairman)

Councillor Rekha Bansil

Councillor Lucie Dallen

Simon Dow, Horserace Betting Levy Board

Simon Durrant, Epsom Downs Racecourse

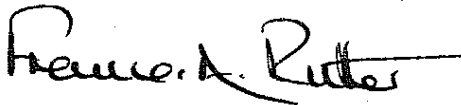
Councillor Robert Foote

Councillor Jan Mason

Nigel Whybrow, Epsom Downs Racecourse

Councillor Clive Woodbridge

Yours sincerely



Clerk to the Conservators

For further information, please contact Tim Richardson, 01372 732122 or [trichardson@epsom-ewell.gov.uk](mailto:trichardson@epsom-ewell.gov.uk)

## **AGENDA**

**1. MINUTES OF PREVIOUS MEETING** (Pages 3 - 10)

The Conservators are asked to confirm as a true record the Minutes of the Conservators' Meeting held on 5 October 2016 (attached) and to authorise the Chairman to sign them.

**2. ITEMS OF INTEREST DISCUSSED BY THE TRAINING GROUNDS MANAGEMENT BOARD (TGMB)** (Pages 11 - 12)

To consider any items of interest to the Conservators discussed at recent meetings of the Training Grounds Management Board (TGMB). The Conservators will receive a verbal report informing them of relevant recent business discussed by the TGMB.

**3. MATTERS ARISING FROM PREVIOUS MEETINGS AND OTHER ITEMS OF INTEREST** (Pages 13 - 14)

The Conservators are asked to note the current situation on issues raised previously and other items of interest.

**4. REPORT OF THE HEAD DOWNSKEEPER** (Pages 15 - 16)

To receive the report of the Head Downskeeper.

**5. REVIEW OF FEES AND CHARGES FOR EVENTS ON THE DOWNS** (Pages 17 - 24)

This report details a review of the Fees and Charges for Events on the Downs.

**6. BUDGET 2017-18** (Pages 25 - 30)

This report seeks approval to the 2017/18 budget and to the amounts to be recovered from the constituent bodies.

**7. PARKING ON LAND IN FRONT OF DERBY ARMS** (Pages 31 - 38)

This report draws the attention of the Conservators to a request from the Epsom Downs Racecourse for permission to park cars on land in front of the Derby Arms public house at times when events are being held at the Racecourse.

**8. EPSOM DOWNS RACING SEASON 2017** (Pages 39 - 46)

This report informs the Conservators of dates for race meetings in 2017 and presents a request from Epsom Downs Racecourse for extensions to the periods permitted for fencing.

**9. OUTSTANDING REFERENCES** (Pages 47 - 50)

This report lists references to Officers outstanding as at 18 January 2017.

**Minutes of the Meeting of the EPSOM AND WALTON DOWNS CONSERVATORS  
held on 5 October 2016**

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**PRESENT -**

Councillor Liz Frost (Chairman); Andrew Cooper (Epsom Downs Racecourse) (Vice-Chairman); Councillor Rekha Bansil, Councillor Lucie Dallen, Simon Dow (Horserace Betting Levy Board), Simon Durrant (Epsom Downs Racecourse), Councillor Robert Foote (Items 11 - 21 only), Councillor Jan Mason, Nigel Whybrow (Epsom Downs Racecourse) and Councillor Clive Woodbridge.

Officers present: Sam Beak (Downs Manager), Tim Richardson (Democratic Services Officer) and Simon Young (Head of Legal and Democratic Services)

**10 MINUTES OF PREVIOUS MEETING**

The Minutes of the meeting of the Epsom and Walton Downs Conservators held on 15 June 2016 were agreed as a true record and signed by the Chairman.

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

The Conservators received a verbal report providing updates 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 TGMB had created a task group, which was considering the issues affecting the Hatched Area.
- b) Dog walking signs. The TGMB had agreed with the proposed change of dog walking signs on the Downs to request that dogs be held on leads until 9.30am on Sundays, to reflect racehorse training hours. It had been noted that signs placed on some routes onto the Downs had been stolen, and would be replaced with laminated notices.
- c) Extension of the Polytrack. Trainers had welcomed the extension of Polytrack. As the extended length was too long for some younger horses, a walk-in at 5 furlongs had also been added.
- d) Demolition of stables at Cedar Lodge. The TGMB had welcomed the decision to refuse planning permission for the demolition of stables at Cedar Lodge. The Board had expressed that in its view there was a lack of stable facilities in the area.

- e) Vision for Epsom and Walton Downs Training. The TGMB was in the process of producing a 'vision' plan for Epsom and Walton Downs Training Grounds, to promote and market it as a training facility.
- f) Congratulations to Laura Mongan for St Leger success. The TGMB had expressed its congratulations to Laura Mongan for winning the St Leger on 10 September with the Epsom trained Harbour Law.

## 12 MATTERS ARISING FROM PREVIOUS MEETINGS AND OTHER ITEMS OF INTEREST

- a) Hack Sand Track, foot of Walton Downs. The Head of Legal and Democratic Services had written to the Horserace Betting Levy Board to state that the Conservators did not accept responsibility for the hack sand track at the foot of Walton Downs. No response to this had been received. The Head of Legal and Democratic Services would write to the Board again, and send the correspondence via recorded delivery.
- b) Post Derby review. The Conservators noted that a meeting between the Chairman, Clerk, Surrey Police Borough Inspector and General Manager of Epsom Downs Racecourse had been held to consider the matters which had arisen from the 2016 Derby. The Conservators noted the actions proposed as a result of that meeting.

## 13 REPORT OF THE HEAD DOWNSKEEPER

The Downs Manager provided the Committee with a verbal report. The following matters were discussed:

- a) Reported antisocial behaviour. The Conservators were informed that there had been a number of incidents of antisocial behaviour reported on the Downs, including an attempted break-in of the Downskeeper's Hut.
- b) Staffing issues. The Conservators were informed that two members of the Downskeeper staff were currently on long term sick leave. Downskeeper Ashley Critcher was acting as the interim Head Downskeeper, and the Council's Ranger service were assisting with evening duties. This arrangement enabled the Downskeepers to maintain their presence during the hours of racehorse training.

The Conservators expressed their best wishes to the Downskeepers who were on sick leave, and wished them a speedy recovery. The Conservators also expressed their thanks to the other Downskeepers for their efforts to ensure that the service continued despite the reduced capacity, and to the Council's Rangers and Racecourse staff for all their assistance and support.

The Conservators requested officers to continue to monitor the situation, and consider the use of agency or temporary staff to assist if necessary.

- c) Closing times for car park gates. The Conservators noted that a suggestion had been raised at the meeting of the Epsom and Walton Downs Consultative Committee held on 26 September that car park gates should be shut at dusk, rather than the current timings of 5pm/9pm (see Minute no 15 for further information). The Conservators noted that the car parks gates would be locked at 5pm from Saturday 8 October.

#### 14 MID-YEAR BUDGET MONITORING

The Conservators received a report advising it of income and expenditure in 2016/17 as at 30 September 2016, and seeking guidance on the preparation of the budget and precept for 2017/18. An updated Risk Register for the Downs, for 2016/17 was also presented.

The Conservators noted that it was proposed to increase precept contributions by 2.3% in order to achieve a balanced budget in 2017/18. The Conservators were informed that there was a forecast £7,607 use of the working balance in the current year.

Following consideration, the Conservators agreed:

- (1) to note the mid-year income and expenditure position as at 30 September 2016;
- (2) to support the proposed 2.3% increase in precept contributions for 2017-18, for consideration at their meeting in January 2016;
- (3) to note the 2016/17 Risk Register for the Downs, subject to an amendment to the "Further Action/Mitigation action" for risk EWDC5 as follows:

"Advice being given by Legal & Democratic Services on Key issues.

Clarity on responsibility for the Hack Sand Track has been clarified and the **Horse Race Betting Levy Board** are responsible for the cost of repairs."

(amendment highlighted in bold and underlined text above).

#### 15 PROPOSED EVENTS ON THE DOWNS

The Committee received a report providing details of requested events on the Downs. All of the proposed events had been held on the Downs in previous years, and the Downskeepers had not reported any concerns with regard to them being held again.

Following consideration, the Conservators:

- (1) Approved the following events to be held on the Downs:

- Downs Young Athletes Cross Country League (Sundays 6 Nov, 4 Dec 2016, 19 Feb, 12 Mar 2017)
  - The 26.2 Road Runners Club Cross Country Run (Saturday 12 November 2016)
  - The 78<sup>th</sup> Pioneer Run for Veteran Motorcycles (Sunday 19 March 2017)
  - North Cheam Baptist Church Easter Sunday Service (Sunday 16 April 2017)
  - Rotary Club of Banstead Sponsored Walk (Sunday 7 May 2017)
  - Round the Borough Bike (Sunday 14 May 2017)
  - Cancer Research UK: Race For Life (Sunday 25 June 2017)
  - Round the Borough Hike (Saturday 2 September 2017)
- (2) noted the Calendar of Events for 2016/17.
- (3) noted the fees and charges to be applied to each event subject to the event being approved.

## 16 ICE CREAM VENDING ON THE DOWNS

The Conservators received a report presenting a request from an ice cream vendor for approval to trade on Epsom Downs.

The Conservators were informed that the vendor had operated an ice cream van from the Downs for many years but without a licence. The request for approval to trade on the Downs was made to the Conservators in tandem with the vendor's application for a licence from the Borough Council, to regularise the arrangements.

It was noted that the vendor would operate from one of two locations on the Downs. These were on the road near the Hyperion and Top car parks.

Concern was expressed that the vending of ice creams could obstruct certain activities undertaken to prepare for race meetings, and that it could also lead to an increase in litter on the Downs. It was noted that these matters could be considered by the Council when placing conditions on the vendor's licence.

It was noted that a licence issued by the Council would be valid for one year and that the Conservators could review any conditions placed on it prior to a new licence being issued if they so wished.

Following consideration, the Conservators:

- (1) Approved a request from Mr Perkins to trade on Epsom Downs subject to approval from Epsom and Ewell Borough Council's Licencing Department and the following conditions:
  - a) The conditions set out in paragraphs 3.2, 3.3 and 3.4 of the report, namely:
 

That the times allowed be 12.00 – 20.00 or closure of the Downs, whichever is the earlier;

That there should be no use of 'musical chimes' whilst on the Downs;

That no vending should take place on any race day held by Epsom Downs Racecourse;

That the areas permitted for trading be restricted to those identified in Annexe 1 to the report.
  - b) That the vendor will comply with all reasonable directions from Epsom Downs Racecourse staff with regard to hours and location of trading.
- (2) Agreed to request the Council's Licensing officers consider the inclusion of a condition requiring the vendor to provide a bin for litter when operating on the Downs.
- (3) Noted and agreed the two locations from where the vendor may sell ice-cream from his van, as defined on Annexe 1 to the report.

## 17 REVIEW OF METAL DETECTING LICENSES ON THE DOWNS

The Conservators received a report providing a review of metal detecting licences available for Epsom Downs.

Following consideration, the Conservators agreed:

- (1) To note the review of the number of metal detecting licences available for Epsom Downs during 2016, and agreed that the maximum number should remain at 25.
- (2) To review the fee for metal detecting licenses for the 2018 calendar year in October 2017.

## 18 MEMORIAL POLICY FOR THE DOWNS

The Conservators received a report presenting a Memorial Policy for Epsom and Walton Downs. It was noted that an amended Annexe 3 to the report (fees for memorial bird and bat boxes) had been published as a supplement to the agenda, and replaced that originally contained within it.

The Conservators considered the Policy and noted that the proposed design of memorial benches did not include a back. Officers informed the Conservators

that this design of bench had been selected to best fit the nature of the Downs' environment, and was also used at Nonsuch Park. It was also proposed that memorial plaques would not be permitted on the benches, in keeping with the natural environment of the Downs. The sponsor of each bench would be shown its location and invited to attend its installation on the Downs.

The proposed charge of £300 for installation of a bench was considered, and the Conservators were informed that this would cover all costs incurred. The one-off charge for sponsoring a bench would be reviewed annually to reflect any increases in costs. It was noted that the period of sponsorship for a memorial bench would be 10 years.

A maximum number of 12 benches would be permitted on the Downs, at locations agreed with the Downskeepers and detailed in the terms and conditions of sponsorship. The Downs Manager informed the Conservators that a high demand for benches was not currently anticipated. It was noted that a party had expressed an interest in sponsoring a bench in 2015, and that they would be contacted to enquire whether they would still wish to do so.

Following this consideration, the Conservators:

- (1) Approved the Memorial Policy for the Downs, terms and conditions of sponsoring a memorial bench on Epsom and Walton Downs and the fees for memorials on Epsom and Walton Downs.
- (2) Agreed to review the Memorial Policy and fees and charges in October 2017.

## 19 MINUTES OF THE EPSOM AND WALTON DOWNS CONSULTATIVE COMMITTEE

The Conservators received and noted the draft Minutes of the meeting of the Epsom and Walton Downs Consultative Committee held on 26 September 2016. The following item was considered:

- a) Minute 6 e) - Parking in Derby Stables Road. The Chairman informed the Conservators that she had suggested to the Consultative Committee member who had raised this issue that they may wish to propose it directly to the Surrey County Council Local Committee for Epsom and Ewell, as the processes involved with the Conservators' consideration of the matter would mean that any decision by the Conservators to do so would take a far greater time.

## 20 OUTSTANDING REFERENCES

The Conservators received and noted the position of their outstanding references. The following matter was considered;

- (1) Signposting of the Downs. The Conservators noted that this reference related to the potential for a future review of byelaw information boards on the Downs.



**21 DATES OF MEETINGS IN 2017**

The Conservators agreed the dates of their meetings to be held in 2017, as follows:

- Wednesday 18 January 2017 at 18.00 hours
- Wednesday 19 April 2017 at 18.00 hours
- Wednesday 14 June 2017 at 18.00 hours
- Wednesday 4 October 2017 at 18.00 hours

*The meeting began at 6.00 pm and ended at 7.15 pm*

COUNCILLOR LIZ FROST (CHAIRMAN)

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

Report of the: Chairman of the Conservators  
Contact: Tim Richardson  
Annexes/Appendices (attached): None  
Other available papers (not attached):

**REPORT SUMMARY**

**This report provides the Conservators with an update on items considered by the Epsom and Walton Downs Training Grounds Management Board.**

**1 Items considered by the Training Grounds Management Board (TGMB)**

1.1 The TGMB last met on 16 November 2016. The Chairman of the Conservators and Training Grounds Manager (Mr Nigel Whybrow) have provided the following report on items considered by the Board, for the Conservators' information.

1.1.1 **Hatched area**. This was discussed at length and it was decided that the signs indicating that it is closed for hack riding will be changed to allow them to show either "open" or "closed".

1.1.2 The area is currently being used for schooling hurdles, but when not in use by the TGMB, and the TGMB it feels the ground conditions do allow (during firm ground conditions July/August) it is to be opened to hack riders. A marked out route will be made available and the rabbit/fox holes will be checked and filled along this route. The TGMB will not tolerate any misuse that may compromise its ability to use the hatched area itself or the winter gallops - if riders are found straying off the marked route then the area will be closed immediately.

1.1.3 **Bridleway (horse margin) Langley Vale farm to Shepherds Walk**. After receiving many complaints from trainers regarding the surface of the horse margin, the TGMB, Surrey County Councillors for Epsom and Ewell and race horse trainers who use it have funded remedial works to the horse margin. Some of this work was carried out in December and the final works will be done in January 2017.

1.1.4 **Woodland Trust Centenary site, Langley Vale**. The TGMB was updated by the Woodland Trust as to its time frame for planning applications, public open days and anticipated effect of the public using the Downs to access their site off Headley Road.

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**MATTERS ARISING FROM PREVIOUS MEETINGS & OTHER ITEMS OF INTEREST**

|   |                           |
|---|---------------------------|
| <u>Report of the:</u>                         | Clerk to the Conservators |
| <u>Contact:</u>                               | Tim Richardson            |
| <u>Annexes/Appendices (attached):</u>         | None                      |
| <u>Other available papers (not attached):</u> | None                      |

**REPORT SUMMARY**

**The Conservators are asked to note the current situation on issues raised previously and other items of interest.**

**1 Hack sand track, foot of Walton Downs – Minute 12 a)**

- 1.1 The Council's Head of Legal and Democratic Services has again written to the Horserace Betting Levy Board, as agreed at the last meeting. No response to this has yet been received.

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## **REPORT OF THE HEAD DOWNSKEEPER**

|   |                  |
|---|------------------|
| <u>Report of the:</u>                         | Head Downskeeper |
| <u>Contact:</u>                               | Robert Harding   |
| <u>Annexes/Appendices (attached):</u>         | None             |
| <u>Other available papers (not attached):</u> | N/A              |

### **REPORT SUMMARY**

**To receive the report of the Head Downskeeper.**

#### **1 Events**

- 1.1 The series of winter cross country events approved by the Conservators are well in hand and have not caused concerns to the Downskeepers.

#### **2 Staffing issues**

- 2.1 While not yet at full staffing levels, the Downskeepers are still providing a good service with the assistance of the backup systems in place.

#### **3 RSJ's & Metal Gates**

- 3.1 The identified safety issues at Downs access points have been resolved and the potentially dangerous RSJ's and metal gates have been replaced with safer materials. This work was carried out by the Downskeepers, Epsom Training Grounds staff and external contractors.

#### **4 Maintenance programme**

- 4.1 Downskeepers are currently cutting back the afternoon hack ride adjacent to the start of the Polytrack 7 furlong extension.
- 4.2 New Gallops Warning signs have been constructed and put in place where appropriate.

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## **REVIEW OF FEES AND CHARGES FOR EVENTS ON THE DOWNS**

|   |   |
|---|---|
| <u>Report of the:</u>                         | Downs Manager   |
| <u>Contact:</u>                               | Sam Beak  |
| <u>Annexes/Appendices</u> (attached):         | <u>Annexe 1</u> : Fees and Charges for Events on Epsom & Walton Downs 2017 - 2019   |
| <u>Other available papers</u> (not attached): | Event Management Strategy agreed on 27 June 2011<br>Charging Policy for Events agreed on 28 June 2012<br>Review of Events on the Downs agreed on 23 January 2014<br>Review of Fees and Charges For Events agreed on 20 January 2016 |

### **REPORT SUMMARY**

**This report details a review of the Fees and Charges for Events on the Downs.**

### **RECOMMENDATION (S)**

- (1) That the Conservators note and agree the proposed changes to the Fees and Charges Policy at Annexe 1.**

*Notes*

## **1 Background**

- 1.1 On the 14 October 2009, the Conservators agreed an Event Management Strategy for the Downs. This was reviewed on 27 June 2011.
- 1.2 On the 28 June 2012, the Conservators agreed to the introduction of a new charging policy for events on the Downs and that a review of the policy would be reported back in January 2014.
- 1.3 At the meeting of the Conservators on 17 October 2013, it was agreed that a working party would meet to review the current Events Management Strategy and the Fees and Charges policy in light of the rise in the number of sportives occurring on the Downs.
- 1.4 On the 23 January 2014, the Conservators agreed to changes in the Fees and Charges Policy to help address the issues related to an increase in sportives on the Downs.

- 1.5 On the 20 January 2016, the Conservators agreed to minor changes in the Fees and Charges Policy. The Fees and Charges Policy agreed in January 2016 has been applied to all events taking place on the Downs over the past year. Following a review of the existing policy, this report proposes some changes to the Fees and Charges for Events on the Downs.

## **2 Proposals**

- 2.1 In general the fees and charges have been unchanged since they were first introduced in June 2012. A few minor changes to how the charges are applied have been introduced.
- 2.2 The current charge for commercial events is £1 per participant with charitable and community events receiving a 50% discount from the commercial rate.
- 2.3 Prices are set on a daily charge.
- 2.4 A minimum hire charge of £50 currently exists subject to 50% discount for charitable and community events.
- 2.5 It is suggested that the level of hire charge is increased to £1.50 per participant across all relevant categories subject to a 50% discount for charitable and community events.
- 2.6 The cost for using car parks on the Downs is proposed to be increased from £100 to £150 for those events that require 50 car parking spaces or more.
- 2.7 The minimum charge for filming on the Downs for larger scale projects is proposed to increase from £250 per day to £300.
- 2.8 The full details of the proposed changes can be found at [Annexe 1](#).

## **3 Financial and Manpower Implications**

- 3.1 The Fees and Charges have been unchanged since June 2012.
- 3.2 The associated costs for processing an event application form, the additional involvement of the Downskeepers, the cost of maintaining and general upkeep of the Downs and the use of facilities such as car parks and toilets has increased over the past four years.
- 3.3 The Conservators budget is under increasing pressure and the need to generate additional income becomes more important each year.
- 3.4 Since the introduction of the Fees and Charges there has continued to be a regular stream of applications for Events on the Downs that vary in size.

3.5 The current annual income generated from events on the Downs fluctuates from year to year. In addition to smaller events, an annual charity event, brings in approximately £2,000 a year. In 2015/16 hire charges were boosted by a one-off filming event, which brought in an additional £2000.

3.6 The increase from £1.00 to £1.50 per participant is likely to generate approximately £1,500 per annum based on the similar number and type of events applying as in 2015/16.

3.7 **Chief Finance Officer's comments:** While the proposed increases are large in percentage terms (50%), hire charges have not been increased for 3 years. In addition, the proposed charges represent the smallest practical increase in cash rounding terms. As the proposed increases are small, in cash terms, we do not believe there will be any impact on demand. Therefore the figures included in this report anticipate that the 50% increase will increase the fees received by half as much again.

#### **4 Legal Implications (including implications for matters relating to equality)**

4.1 **Monitoring Officer's comments:** *There are no legal implications to consider for this report.*

#### **5 Sustainability Policy and Community Safety Implications**

5.1 There are no legal implications to consider for this report.

#### **6 Partnerships**

6.1 None for the purposes of this report.

#### **7 Risk Assessment**

7.1 The increase in charges may deter organisations from submitting an application for an event on the Downs. This could have a negative affect on the income generated from Events on the Downs.

#### **8 Conclusion and Recommendations**

8.1 The Conservators are requested to consider and approve the revised fees and charges policy found at Annexe 1.

**WARD(S) AFFECTED: College Ward; Woodcote Ward;**

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## **Fees and Charges for Events on Epsom & Walton Downs 2017-2019**

The Conservators set an annual scale of fees and charges for event hire, based on the type of event, area of the Downs used, anticipated attendance, effect on the local community and event duration.

The following regulations apply:

- Prices are set for commercial events.
- Charitable and community events will receive 50% discount from the commercial rate.
- Prices are set on a daily charge i.e. if an event spans more than one day additional charges may apply.
- The hire charge reflects the associated administration costs for processing an event application form, the additional involvement of the Downskeepers, a contribution to the maintenance and general upkeep of the Downs and use of facilities such as car parks and toilets. A minimum hire charge of £50 exists subject to 50% discount for charitable and community events.
- A refundable reinstatement bond may be required for event bookings. This bond will be returned to the event organiser following completion of the event and no additional costs being incurred i.e. for reinstatement purposes, waste collection etc. The bond will reflect the possible costs of waste collection, restitution of the site, utilities and Downskeeper/Officer attendance beyond the hire charge. Provision of the bond to the Epsom and Ewell Borough Council will be required 4 weeks before the event date.
- Any event wishing to use the Epsom Downs Racecourse facilities such as car parks, stewarding, security etc. will be subject to additional fees as negotiated directly with Epsom Downs Racecourse.
- All event applications are subject to meeting the conditions as stated in the hire agreement form and no event will be permitted until such conditions have been fully met.
- The number of events per year permitted on the Downs is subject to the Downs Events Strategy and the Epsom & Walton Downs Regulation Act 1984.
- Event applications are considered by the Epsom and Walton Downs Conservators at their April & October meetings.

**A scheme of the fees and charges for events to be held on Epsom and Walton Downs is given below.**

For further information regarding the application process for holding an event on Epsom and Walton Downs, please contact Epsom and Ewell Borough Council via telephone on 01372 732000.

**Table of Fees and Charges for events on Epsom & Walton Downs, 2017-2019**

| Category | No. of participants   | Likely impact on the Downs | Refundable reinstatement bond required?<br>(Reflects possible impact) | Hire charge applied?    | Level of hire charge  |
|----------|---|----------------------------|---|-------------------------|---|
| A        | 30 - 100  | Low                        | Yes<br><br>Min charge of £25  | Yes                     | £1.50 per head as reflected in projected attendance. Min charge of £50<br>50% discount for charities and community events                         |
| B        | 101 - 500   | Low - Medium               | Yes<br><br>10% of hire charge. Min charge of £25                      | Yes                     | £1.50 per head as reflected in projected attendance.<br>50% discount for charities and community events   |
| C        | 501 - 1000  | Medium - High              | Yes<br><br>10% of hire charge   | Yes                     | £1.50 per head as reflected in projected attendance.<br>50% discount for charities and community events   |
| D        | More than 1000  | Considerable               | Yes<br><br>10% of hire charge   | Yes                     | £1.50 per head as reflected in projected attendance.<br>50% discount for charities and community events   |
| S        | This category refers to events which primarily take place on land which does not fall under the jurisdiction of the Epsom & Walton Downs Conservators, but may have an impact on the Downs and Downs users.   |                            | Decision on application   | Decision on application | Charge on application.<br>£150 will be charged for the use of car parks on the Downs for those events that require 50 car parking spaces or more. |
| U        | This category refers to events which although permission has been sought, involve so few participants or so little disruption that they have been granted without the need for a formal application or the application has been approved as a one-off by the Clerk to the Conservators in consultation with the Chairman. |                            | No  | Decision on application | Charge on application   |

| Category | No. of participants | Likely impact on the Downs    | Refundable reinstatement bond required?<br>(Reflects possible impact) | Hire charge applied?    | Level of hire charge   |
|----------|---------------------|-------------------------------|---|-------------------------|--|
| Filming  | Varies              | Dependent on scale of project | Decision on application   | Decision on application | Charge on application. Minimum charge of £300 per day for larger scale projects. |

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## **BUDGET 2017-18**

Report of the: Treasurer to the Conservators  
Contact: Lee Duffy  
Annexes/Appendices (attached): Annexe 1 – Detailed Estimates for 2017/18  
Other available papers (not attached):

### **REPORT SUMMARY**

**This report seeks approval to the 2017/18 budget and to the amounts to be recovered from the constituent bodies.**

| <b><u>RECOMMENDATION (S)</u></b>  | <i>Notes</i> |
|---|--------------|
| <p><b>That the budget for 2017/18 be agreed as set out in Annexe 1 to this report, with a request for a 2.3% increase in precept from the constituent bodies as follows:-</b></p> <p><b>(1) Epsom and Ewell Borough Council: £227,890</b></p> <p><b>(2) Epsom Downs Racecourse: £113,940</b></p> <p><b>(3) Epsom &amp; Walton Downs Training Board: £37,980</b></p> |              |

## **1 Background**

1.1 As a basis for agreeing a budget and contribution levels for 2017/18, this report provides:-

- A latest forecast of income and expenditure in 2016/17
- Estimates for 2017/18

## **2 Revised Forecast for 2016/17**

2.1 The Conservators received a mid-year monitoring report at the meeting in October 2016. A detailed update of forecast income and expenditure for 2016/17 is included in Annexe 1.

2.2 The latest forecast for the current financial year anticipates net expenditure of £376,320 compared to the original budget of £373,010.

- 2.3 There is a forecast £5,040 use of the working balance.
- 2.4 The working balance stood at £55,628 at 31 March 2016. The latest forecast of the working balance at 31 March 2017 will be £50,588.

### 3 Estimates for 2017/18

- 3.1 The detailed estimates for 2017/18 are attached at Annexe 1. The estimates have been prepared using the guidelines provided at the last meeting when it was agreed that precepts from the constituent would be increased by 2.3% to achieve a balanced budget for next year.
- 3.2 The budget position for 2017/18 detailed at Annexe 1 is summarised below:-

|                               | <b>£'000</b> |
|-------------------------------|--------------|
| Grounds Maintenance           | 61           |
| Keepers Hut                   | 5            |
| Staffing and central expenses | 307          |
| Derby Gypsy Caravan Site      | 6            |
| Tattenham Corner Conveniences | 19           |
| Miscellaneous Income          | (18)         |
| <b>Net Expenditure</b>        | <b>380</b>   |
| Contribution from EEBC/EDR/TB | (380)        |
| <b>Budget Deficit</b>         | <b>0</b>     |

- 3.3 Net expenditure is estimated at £380,080 is £7,070 (1.9%) more than the current year's original budget.

#### Contributions

- 3.4 As agreed at the last meeting, a 2.3% increase in contributions is proposed.
- 3.5 For the purpose of comparison, price inflation at November 2016 was 1.2% (consumer price index).
- 3.6 The increase in contributions will generate £8,530 next year.
- 3.7 Variations in income can be calculated at £3,710 for each 1% increase or decrease in contribution levels.

Working Balance

3.8 The working balance as at 31 March 2016 was £55,628 the estimated working balance at 31 March 2018 is £50,318.

3.9 There is a forecast use of working balances for 2017/18 of £270.

**4 Repairs and Renewals Fund**

4.1 The repairs and renewals fund balance was £34,013 as at 31 March 2016.

4.2 The budget for 2017/18 allows for a contribution into this reserve of £1,500.

**5 Risk Assessment**

5.1 The working balance is approximately 13% of net expenditure which provides financial cover for unforeseen costs. Further withdrawals from the working balance will need to be carefully assessed to ensure sufficient funds are available to cover future unforeseen increases.

**6 Conclusions and Proposal**

6.1 The draft estimates have been based on a 2.3% increase in contributions which was supported by the Conservators in principle at the last meeting.

6.2 It is proposed that:-

6.2.1 The budget for 2016/17 is approved as set out in the detailed estimates attached at Annexe 1.

6.2.2 Total contributions of £379,810 are approved and allocated 60% to the Borough Council, 30% to the Racecourse and 10% to the Training Board.

**WARD(S) AFFECTED: College Ward; Woodcote Ward;**

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AGENDA ITEM 6  
ANNEXE 1

|  | 2015/16<br>Actual<br>£ | 2016/17<br>Budget<br>£ | 2016/17<br>Actual<br>£ | Probable<br>Outturn 2016/17<br>£ | Variations<br>£ | 2017/18<br>Estimates<br>£ |
|--|------------------------|------------------------|------------------------|----------------------------------|-----------------|---------------------------|
| <b>Grounds Maintenance</b>             |                        |                        |                        |                                  |                 |                           |
| Maintenance of Grounds                 | 671                    | 600                    | 2,204                  | 2,204                            | 1,604           | 600                       |
| Maintenance of Notice Boards           | 0                      | 0                      | 0                      | 0                                | 0               | 0                         |
| Car Park Repairs                       | 300                    | 1,000                  | 0                      | 300                              | -700            | 1,000                     |
| EWDC Grounds/Warren Woodland           | 10,356                 | 11,100                 | 0                      | 11,100                           | 0               | 11,100                    |
| Tree Maintenance Schedule              | 4,842                  | 4,180                  | 0                      | 4,180                            | 0               | 4,180                     |
| Transport and Plant repairs & mntce.   | 0                      | 1,000                  | 0                      | 0                                | -1,000          | 1,000                     |
| Fuel                                   | 8,308                  | 9,000                  | 6,992                  | 9,000                            | 0               | 9,000                     |
| Spot hire of vehicles                  | 1,311                  | 0                      | 855                    | 1,000                            | 1,000           | 1,000                     |
| Transport Insurance recharge           | 2,000                  | 2,400                  | 2,400                  | 2,400                            | 0               | 2,500                     |
| Hire of paladins                       | 2,507                  | 2,560                  | 2,657                  | 2,657                            | 97              | 2,560                     |
| EWDC Grounds/Transport fleet SLA NJMC  | 26,500                 | 27,030                 | 27,030                 | 27,030                           | 0               | 28,000                    |
| Sub-Total                              | <b>56,795</b>          | <b>58,870</b>          | <b>42,138</b>          | <b>59,871</b>                    | <b>1,001</b>    | <b>60,940</b>             |
| <b>Keepers Hut</b>                     |                        |                        |                        |                                  |                 |                           |
| Kier engineering and fab               | 1,448                  | 1,240                  | 961                    | 1,506                            | 266             | 1,240                     |
| Building and M&E maintenance           | 17                     | 500                    | 0                      | 100                              | -400            | 500                       |
| Electricity                            | 1,646                  | 1,500                  | 472                    | 1,500                            | 0               | 1,500                     |
| Rates                                  | 720                    | 730                    | 726                    | 726                              | -4              | 730                       |
| TV Licence                             | 146                    | 150                    | 146                    | 150                              | 0               | 150                       |
| General office expenses                | 644                    | 0                      | 158                    | 160                              | 160             | 160                       |
| Insurance recharges                    | 900                    | 900                    | 945                    | 945                              | 45              | 900                       |
| Sub-Total                              | <b>5,521</b>           | <b>5,020</b>           | <b>3,408</b>           | <b>5,087</b>                     | <b>67</b>       | <b>5,180</b>              |
| <b>Central Expenses</b>                |                        |                        |                        |                                  |                 |                           |
| Additional pension contribution        | 24,000                 | 28,000                 | 14,000                 | 28,000                           | 0               | 30,000                    |
| Contribution to Repairs& Renewals Fund | 2,500                  | 1,500                  | 0                      | 1,500                            | 0               | 1,500                     |
| Clothing & uniforms                    | 618                    | 600                    | 803                    | 850                              | 250             | 600                       |
| External Audit                         | 1,014                  | 1,000                  | 0                      | 1,000                            | 0               | 1,000                     |
| Conservation expenses                  | 0                      | 0                      | 486                    | 486                              | 486             | 0                         |
| Miscellaneous Expenses                 | 398                    | 1,000                  | 792                    | 1,000                            | 0               | 1,000                     |
| General Office Expenses                | 37                     | 2,400                  | 1,375                  | 1,600                            | -800            | 2,000                     |
| VAT payments                           | 18,741                 | 15,000                 | 0                      | 15,000                           | 0               | 15,000                    |
| OS SLA recovery EWDC                   | 222,000                | 222,000                | 226,440                | 226,440                          | 4,440           | 226,440                   |
| Management costs SLA rec               | 27,548                 | 28,150                 | 27,548                 | 27,548                           | -602            | 28,150                    |
| Insurance                              | 1,100                  | 1,100                  | 1,155                  | 1,155                            | 55              | 1,100                     |
| Internal audit                         | 508                    | 500                    | 0                      | 500                              | 0               | 500                       |
| Sub-Total                              | <b>298,464</b>         | <b>301,250</b>         | <b>272,599</b>         | <b>305,079</b>                   | <b>3,829</b>    | <b>307,290</b>            |
| <b>Derby Gypsy Caravan Site</b>        |                        |                        |                        |                                  |                 |                           |
| Contract Payments                      | 5,335                  | 6,300                  | 5,530                  | 5,530                            | -770            | 5,700                     |
| Sub-Total                              | <b>5,335</b>           | <b>6,300</b>           | <b>5,530</b>           | <b>5,530</b>                     | <b>-770</b>     | <b>5,700</b>              |
| <b>Tattenham Corner conveniences</b>   |                        |                        |                        |                                  |                 |                           |
| Kier Engineering and fabric recharges  | 782                    | 670                    | 519                    | 670                              | 0               | 670                       |
| Building and M&E maintenance           | 1,727                  | 2,000                  | 48                     | 1,500                            | -500            | 2,000                     |
| Kier Cleaning contract recharges       | 10,220                 | 10,070                 | 6,786                  | 10,070                           | 0               | 10,070                    |
| Electricity                            | 576                    | 1,000                  | 405                    | 750                              | -250            | 800                       |
| Business Rates                         | 3,360                  | 3,430                  | 3,388                  | 3,388                            | -42             | 3,430                     |
| Water Charges                          | 293                    | 400                    | 118                    | 300                              | -100            | 400                       |
| Insurance recharges                    | 1,500                  | 1,500                  | 1,575                  | 1,575                            | 75              | 1,600                     |
| Sub-Total                              | <b>18,732</b>          | <b>19,070</b>          | <b>12,839</b>          | <b>18,253</b>                    | <b>-817</b>     | <b>18,970</b>             |
|  |                        |                        |                        | 0                                |                 |                           |
| <b>Gross Expenditure</b>               | <b>384,847</b>         | <b>390,510</b>         | <b>336,514</b>         | <b>393,820</b>                   | <b>3,310</b>    | <b>398,080</b>            |
| <b>Income:</b>                         |                        |                        |                        | 0                                |                 |                           |
| Other government grant income          | -10,635                | -11,100                | 0                      | -11,100                          | 0               | -11,100                   |
| Hire charges                           | -5,383                 | -3,500                 | -3,485                 | -3,500                           | 0               | -4,000                    |
| Interest on Balances                   | -2,360                 | -2,400                 | 0                      | -2,400                           | 0               | -2,400                    |
| Misc. income                           | -875                   | -500                   | -40                    | -500                             | 0               | -500                      |
| Income                                 | <b>-19,252</b>         | <b>-17,500</b>         | <b>-3,525</b>          | <b>-17,500</b>                   | <b>0</b>        | <b>-18,000</b>            |
|  |                        |                        |                        |                                  |                 |                           |
| <b>Net Expenditure</b>                 | <b>365,595</b>         | <b>373,010</b>         | <b>332,989</b>         | <b>376,320</b>                   | <b>3,310</b>    | <b>380,080</b>            |
| <b>Precepts:</b>                       |                        |                        |                        |                                  |                 |                           |
| Borough Council                        | -214,200               | -222,770               | -222,770               | -222,770                         | 0               | -227,890                  |
| Training Board                         | -35,700                | -37,130                | -37,130                | -37,130                          | 0               | -37,980                   |
| Epsom Racecourse                       | -107,100               | -111,380               | -111,380               | -111,380                         | 0               | -113,940                  |
|  | <b>-357,000</b>        | <b>-371,280</b>        | <b>-371,280</b>        | <b>-371,280</b>                  | <b>0</b>        | <b>-379,810</b>           |
| <b>Surplus (-) / Deficit in Year</b>   | <b>8,595</b>           | <b>1,730</b>           | <b>-38,291</b>         | <b>5,040</b>                     | <b>3,310</b>    | <b>270</b>                |
| Balance b/fwd 1 April                  | <b>64,223</b>          | <b>55,628</b>          |                        | <b>55,628</b>                    |                 | <b>50,588</b>             |
| Balance c/fwd 31 March                 | <b>55,628</b>          | <b>53,898</b>          |                        | <b>50,588</b>                    |                 | <b>50,318</b>             |

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**PARKING ON LAND IN FRONT OF DERBY ARMS**

Report of the: Clerk to the Conservators  
Contact: Simon Young  
Annexes/Appendices (attached): Annexe 1 – Request from the Racecourse  
Annexe 2 – Map showing the affected area  
Other available papers (not attached):

**REPORT SUMMARY**

**This report draws the attention of the Conservators to a request from the Epsom Downs Racecourse for permission to park cars on land in front of the Derby Arms public house at times when events are being held at the Racecourse.**

**RECOMMENDATION (S)**

*Notes*

- (1) It is recommended that the Conservators decide whether, in principle, they might be minded to agree to the request from the Epsom Downs Racecourse for consent to use the area for parking at times in addition to those already permitted, and, if so,**
- (2) Determine what process should be followed to consult representatives of hack riders who may be affected by the proposal, as well as members of the public.**

**1 Background**

- 1.1 The area of land in front of the Derby Arms public house is known by the Epsom Downs Racecourse as “Car Park 6”. Annexe 1 sets out a request from the Racecourse for consent to use this area for parking for certain events. The area concerned is shown as cross-hatched on the map at Annexe 2.
- 1.2 The land is part of the area shaded on the Signed Map as being a “Hack Area”, and the perimeter of the land adjacent to Derby Arms Road is shown on the Signed Map as a “Hack Ride”.

- 1.3 Section 15 of the Epsom & Walton Downs Regulation Act 1984 provides that:  
*“(1) Subject to the provisions of this Act, and of any byelaws made under this Act, members of the public shall have right of access for air and exercise on horseback over the rides and areas shown for that purpose on the signed map...”*
- 1.4 The area of land is shown on the Deposited Map as being shaded green and hatched yellow (possible site for grandstand and paddock), with the perimeter, now bounded by Derby Arms Road, Ashley Road and Downs Road shown coloured green and hatched green (parts to be open to pedestrian traffic).
- 1.5 Under the 1984 Act, the “preparatory period” for the purposes of this report is 14 days immediately before the commencement of a racing period; and, a “racing period” means the days on which horse racing takes place on the Downs during any authorised meeting. An “authorised meeting” means race meetings authorised by the Jockey Club (up to a maximum of 16 days per year). The Company essentially means the operator of the Epsom Downs Racecourse.
- 1.6 Section 17 of the 1984 Act provides:  
*“Notwithstanding anything contained in this Act or in any byelaws made under this Act, the Company may hold and conduct horse races at authorised meetings on the Downs and - ...*  
*(4) during the preparatory period and the racing period and subject as hereinafter mentioned during the intervening period the Company may erect and maintain or permit the erection and maintenance of or set apart and provide and control -*  
*(a) on any portion of Epsom Downs coloured green on the deposited map (except such parts thereof as are coloured green and hatched green on the deposited map which shall remain open to pedestrian traffic...*  
*(i) any temporary parking places, temporary enclosures and temporary omnibus stations with approaches thereto:*  
*Provided that such temporary parking places, temporary enclosures and temporary omnibus stations, with the exception of such posts as are used to form the parking places and enclosures, shall be removed as soon as practicable (and in any case within 10 days) after the end of each authorised meeting and shall not be again erected before the next following preparatory period;...”*
- 1.7 Section 17 means that Car Park 6 may be, and is in fact, legitimately used by the Racecourse as a car park for the two weeks prior to and during any authorised meetings, without the need for any other consent first being obtained from the Conservators or otherwise.



- 1.8 Outside of the preparatory period and racing period, use as a car park is not generally permitted. The byelaws made in 2013 by the Conservators under the 1984 Act provide that:  
*“2(i) A person shall not, without the consent of the Conservators, on the Downs:*  
*(a) enclose any part of the Downs or erect any building shed or other structure thereon or construct any roads or parking places...*  
*(f) drive or place any carriage cart motor car or other vehicle other than upon public carriageways or use any part of the Downs as a parking place...*  
21 *Any person who without reasonable excuse contravenes any of these byelaws shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.”*
- 1.9 Car Park 6 has, in fact, been used for car parking in relation to events for a number of years. The Racecourse is not aware of any issues or incidents having arisen in respect of the car parking use. The Racecourse wishes to regularise this use, and for it to continue as and when required in relation to events taking place. The Racecourse intends to implement the parking use in such a way as to ensure that suitable routes are identified and kept clear so that hack riders continue to have the ability to pass through the area.
- 1.10 Depending on the number of days per year on which the car park is used, it is possible that planning consent may be required, but that will be a matter for the Racecourse and the Council as Local Planning Authority to consider. If the site is used up to four times per month, this might be considered to be a material change of use requiring planning permission. However, if a regular pattern of such use has been in place for several years, it may already be lawful.
- 1.11 At the meeting of the Epsom & Walton Downs Consultative Committee on 26 September 2016, this matter was touched upon, and a hack rider representative indicated that he used the land concerned, particularly to pass from one part of the Downs to another.

## **2 Proposals**

- 2.1 It is proposed that the Conservators be asked whether they are minded to agree in principle to the Racecourse proposal. If not, the matter will not proceed. If so, then there is a need to decide how the matter will be determined.
- 2.2 Although there is no legal requirement to do so, there is a clear expectation that, as the proposal affects to some degree a hack ride/hack area, that the representatives of hack riders be consulted, and their representations taken into account before a decision is taken whether to give consent to the additional car parking use. An assurance to that effect was given at the Consultative Committee referred to above.

2.3 It is also considered to be important to give the wider public the opportunity to comment on the proposal.

2.4 It is considered that such consultation could involve contacting all members of the Consultative Committee and seeking their views, as well as contacting ward councillors and such other groups as are considered appropriate. The consultation could also be publicised via the Council's website. The period of consultation should be sufficient to enable interested parties to have the opportunity to consider and respond to the proposals. The consultation could run for, say, 6-8 weeks and the matter be reported back to the next meeting of the Conservators on 19 April 2017.

### **3 Financial and Manpower Implications**

3.1 There are no financial or manpower implications for the Conservators arising out of this report.

### **4 Legal Implications (including implications for matters relating to equality)**

4.1 The legal implications have been considered in the body of the report.

### **5 Risk Assessment**

5.1 There are risks that hack riders and cars will come into conflict if the area remains open to hack riders at the same time as it is used as a car park. Whilst it does not appear that this has caused problems to date, if the car parking use is regularised and intensifies, the risk of this happening is greater. It is therefore considered to be important that the arrangements for operation of the car park contain specific appropriate provisions for managing this risk.

5.2 There is a risk to the reputation of the Conservators if the proposal is determined without sufficient consultation with those who may be affected or interested.

### **6 Conclusion and Recommendations**

6.1 The Racecourse is proposing to regularise and (potentially) increase the use for parking of an area of the Downs which is already legitimately used for parking in relation to horse race meetings. It is considered that the Conservators should determine whether such usage might be appropriate in principle, and, if so, should proceed to consult on the proposals before making a final decision.

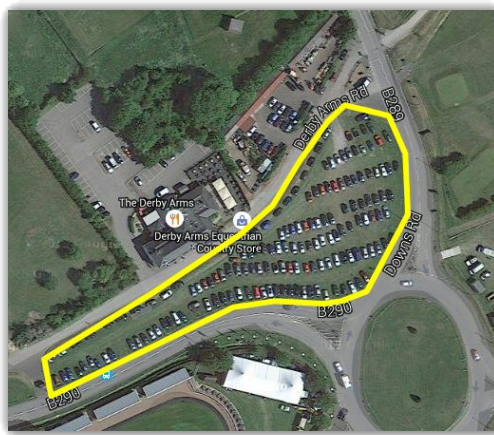
**WARD(S) AFFECTED: College Ward; Woodcote Ward;**

  
**EPSOM DOWNS**  
A Jockey Club Racecourse

**Permission Request  
Parking for Events**

**Background**

The area identified on the image below, highlighted in yellow, is designated as a Hack Area in the Signed Map for the Epsom and Walton Downs Regulation Act 1984.



It is understood and noted that the Downs byelaws state that

2. (i) *A person shall not, without the consent of the Conservators, on the Downs:*

*(f) drive or place any carriage cart motor car or other vehicle other than upon public carriageways or use any part of the Downs as a parking place*

It is also understood that use of this area for the parking of vehicles is permitted during the preparatory period of racing at the racecourse under the Epsom and Walton Downs Regulation Act 1984.

Outside of the racing fixtures, the racecourse delivers a healthy and busy conference and banqueting facility. During these periods, many visitors are attracted to the racecourse to make use of the facilities and enjoy the iconic and beautiful location.

The area, located outside of the Derby Arms Pub - known as Car Park 6 internally, is an identified hack riding area. I am unsure as to how desirable it is to hack riders but have rarely seen riders using it, or been asked by riders to move vehicles who may have parked so as to restrict horses passing through.

For many years, vehicles have parked on this area during various periods when events such as the monthly Antiques Fair, Wedding Fairs and other large scale conferences. The frequency of the useage varies, but is on average, three to four times a month. It provides a very suitable and convenient overflow for users of the racecourse and is often used by racecourse staff, allowing our

guests to make use of the hard-standing around our two Grandstands.

During the period of the roof repairs to the Duchess's Stand, this area has been used for both staff and visitor parking so as to minimise any Health and Safety concerns with vehicles on-site. It has worked well and we would like to continue with this until the works are complete (mid/end November).

To date the racecourse has not been made aware of any issues or incidents caused by parking vehicles to either hack riders or horses in training.

### **Request**

Due to the ad-hoc nature of its use outside of racing, it is difficult to request a specific number of days per year that the racecourse may park vehicles within this area.

It is therefore requested that the Conservators consider and approve the use of this area by the racecourse for the parking of vehicles. In permitting its use, the racecourse will meet with representatives from the Consultative Committee to ensure that suitable paths are identified and kept clear so as to allow hack riders the opportunity to pass.

**Simon Durrant**  
**Epsom Downs Racecourse**



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**EPSOM DOWNS RACING SEASON 2017**

|   |   |
|---|---|
| <u>Report of the:</u>                         | Clerk to the Conservators   |
| <u>Contact:</u>                               | Tim Richardson  |
| <u>Annexes/Appendices</u> (attached):         | <u>Annexe 1</u> – Fencing dates calendar  |
| <u>Other available papers</u> (not attached): | Epsom and Walton Downs Regulation Act 1984<br>Epsom and Walton Downs Byelaws<br>Epsom Downs Racing Season 2017 application letters<br>Minutes of the meetings of the Epsom and Walton Downs Consultative Committee held on: 4 November 2002, 12 June 2010, 16 June 2015 and 28 September 2015 |

**REPORT SUMMARY**

**This report informs the Conservators of dates for race meetings in 2017 and presents a request from Epsom Downs Racecourse for extensions to the periods permitted for fencing.**

**RECOMMENDATION (S)**

*Notes*

**(1) That the Conservators note the dates of the 2017 racing season for Epsom Downs, and grant their consent to the following meetings in accordance with section 14 of the Epsom and Walton Downs Regulation Act 1984:**

- Thursday 6 July (Evening)
- Thursday 13 July (Evening)
- Thursday 20 July (Evening)
- Thursday 3 August (Evening)
- Sunday 1 October

**(2) That the Conservators note that Epsom Downs Racecourse has applied to Surrey County Council for the temporary suspension of Footpath 50 as detailed in section 3 of this report.**

**(3) That the Conservators consider and determine an**

**application from Epsom Downs Racecourse for consent under the Byelaw 2 (i) (a) to bring forward the start of the fencing period for the Upper Tattenham Enclosure and Lonsdale Enclosure for the Derby festival to 15 May 2017.**

- (4) That the Conservators consider and determine an application from Epsom Downs Racecourse for consent under the Byelaw 2 (i) (a) to extend the fencing period for the Lonsdale Enclosure to enable fencing to remain in place between the dates of 14 – 21 August 2016.**

## **1 Introduction**

1.1 Epsom Downs Racecourse has informed the Clerk of the dates of its race meetings in 2017. These are as follows:

- Wednesday 26 April
- Friday 2 June (Ladies' Day)
- Saturday 3 June (Derby Day)
- Thursday 6 July (Evening)
- Thursday 13 July (Evening)
- Thursday 20 July (Evening)
- Thursday 3 August (Evening)
- Monday 28 August (Bank Holiday)
- Tuesday 29 August
- Thursday 14 September
- Sunday 1 October

## **2 Applications for Evening and Sunday race meetings**

2.1 Section 14 of the Epsom and Walton Downs Regulation Act 1984 (the Act) requires the consent of the Conservators for any race meeting to commence or continue after 7pm on any day, or at any time on a Sunday.

2.2 Epsom Downs Racecourse requests the consent of the Conservators to the following race meetings (also listed above):

- Thursday 6 July (Evening)



- Thursday 13 July (Evening)
- Thursday 20 July (Evening)
- Thursday 3 August (Evening)
- Sunday 1 October

### **3 Application for temporary suspension of Footpath 50**

3.1 Epsom Downs Racecourse has applied to Surrey County Council for the temporary suspension of Footpath 50 on 2 and 3 June, over the Derby period. This Footpath crosses the Racecourse Track near to the Princes Stand/Lonsdale Enclosure, and a similar suspension has been granted by the County Council for the past 2 years. Whilst this is a matter for consideration by the County Council, the Conservators are notified for their information.

### **4 Applications for racing-related fencing**

4.1 Specific elements of the racing-related fencing applications submitted by Epsom Downs Racecourse require the Conservators' consideration: an application for the extension of the fencing period for the Upper Tattenham Enclosure for the Derby weekend, and applications for the extension of the fencing period for the Lonsdale Enclosure. The details of these applications are set out below.

4.2 Paragraph (4) (d) (i) of section 17 of the Act permits the Racecourse to erect fencing for the Upper Tattenham Enclosure, Lonsdale Enclosure (and other enclosures) 14 days prior to each race event, and requires its removal within 10 days after each race event, unless there is an overlap with the preparatory period for the next event. Fencing erected for the Enclosures outside these periods requires the consent of the Conservators under Byelaw 2 (i) (a).

### **5 Application for extension of the Upper Tattenham Enclosure fencing period**

5.1 Epsom Downs Racecourse has requested permission for one extension to the fencing period for the Upper Tattenham Enclosure during the 2017 racing season. The requested extension is as follows:

5.1.1 A **4-day extension** to the set-up period for steel security fencing and turnstile blocks for the Upper Tattenham Enclosure between Monday 15 May – Thursday 18 May 2017. Under paragraph (4) (d) (i) of section 17 of the Act, Epsom Downs Racecourse is permitted to install this fencing from Friday 19 May 2017.

A similar extension to this was approved by the Conservators for 2016.

## 6 Application for extension of the Lonsdale Enclosure fencing period

6.1 Epsom Downs Racecourse has requested permission for two extensions to the fencing period for the Lonsdale Enclosure during the 2017 racing season. The requested extensions are as follows:

6.1.1 A **4-day extension** to the set-up period for steel security fencing and turnstile blocks for the Lonsdale Enclosure between Monday 15 May – Thursday 18 May 2017. Under paragraph (4) (d) (i) of section 17 of the Act, Epsom Downs Racecourse is permitted to install this fencing from Friday 19 May 2017.

A similar extension to this was approved by the Conservators for 2016.

6.1.2 An **8-day extension** to the fencing period for steel security fencing and turnstile blocks for the Lonsdale Enclosure between Wednesday 14 June – Wednesday 21 June 2017. Under paragraph (4) (d) (i) of section 17 of the Act, Epsom Downs Racecourse is required to remove this fencing on 8 June 2017, before it is permitted to re-install it on Thursday 22 June 2017.

In 2016, the Conservators approved extensions of one day in June and 7 days in August, providing a similar arrangement to that requested by Epsom Downs Racecourse for 2017.

## 7 Summary and calendar

7.1 A summary of the fencing extensions requested is included in the table below. A calendar of fencing dates is also attached as Annexe 1 to this report.

| Fencing location     | Fencing extension requested | No. of days requested | Requested in 2016?  |
|----------------------|-----------------------------|-----------------------|---|
| Upper Tattenham Enc. | 15 – 18 May                 | 4 days                | Yes. Granted.   |
| Lonsdale Enc.        | 15 – 18 May                 | 4 days                | Yes. Granted.   |
| Lonsdale Enc.        | 14-21 June                  | 8 days                | Similar request received and granted. 1 day in June and 7 days in August, to make a total of 8. |

## **8 Previous decisions**

- 8.1 A fencing-period extension in advance of the Derby Festival has been requested by the Racecourse and granted by the Conservators for the past 15 years, following an initial application by the Racecourse in advance of the 2002 Derby Festival. This initial decision was made by the Conservators following advice from the Clerk that whilst the Act did not specifically empower them to vary the fencing period, as long as they acted within their general duty to protect the Downs and did not authorise any activity which would prevent the public from exercising their rights of access, they were not prohibited from considering it.
- 8.2 The Conservators have subsequently considered and approved similar extensions in each year they have been requested.
- 8.3 The Epsom and Walton Downs Consultative Committee has considered the fencing extensions granted by the Conservators at its meetings on 4 November 2002, 12 June 2010, 16 June 2015 and 28 September 2015. At the meeting of 28 September 2015 the Committee received a report inviting its views on the fencing extensions granted for 2015. In response to this invitation, one Member of the Committee expressed that they did not agree with the view that the Conservators had powers under the Act or Byelaws to approve fencing extensions. The view of the Council's Head of Legal and Democratic Services with regard to the legal powers available to the Conservators is detailed in section 9 of this report, below.

## **9 Legal implications**

- 9.1 Landowners generally would normally be permitted to erect temporary fences without consent. However, the erection of such structures on the Downs is prohibited by virtue of the byelaws made under the 1984 Act. Specifically, byelaw 2(i) provides that:

“A person shall not, without the consent of the Conservators, on the Downs:

(a) enclose any part of the Downs or erect any building shed or other structure thereon or construct any roads or parking places,

(b) place any tent stall show exhibition swing roundabout or other like thing...”

- 9.2 The above restriction is subject to Section 17, which, notwithstanding the byelaws, grants rights to the racecourse to erect fencing in the preparatory period/racing period.

- 9.3 The proposal in this case is beyond the rights granted under section 17 and therefore requires the consent of the Conservators under the Byelaws. In deciding whether to grant consent, the Conservators will need to have regard to their primary duty under section 10 of the 1984 Act to preserve the Downs, noting the company's rights under section 17, and consider what impact granting consent would have on the preservation of the Downs, and on the rights of the public over the Downs.

## **10 Financial and Manpower Implications**

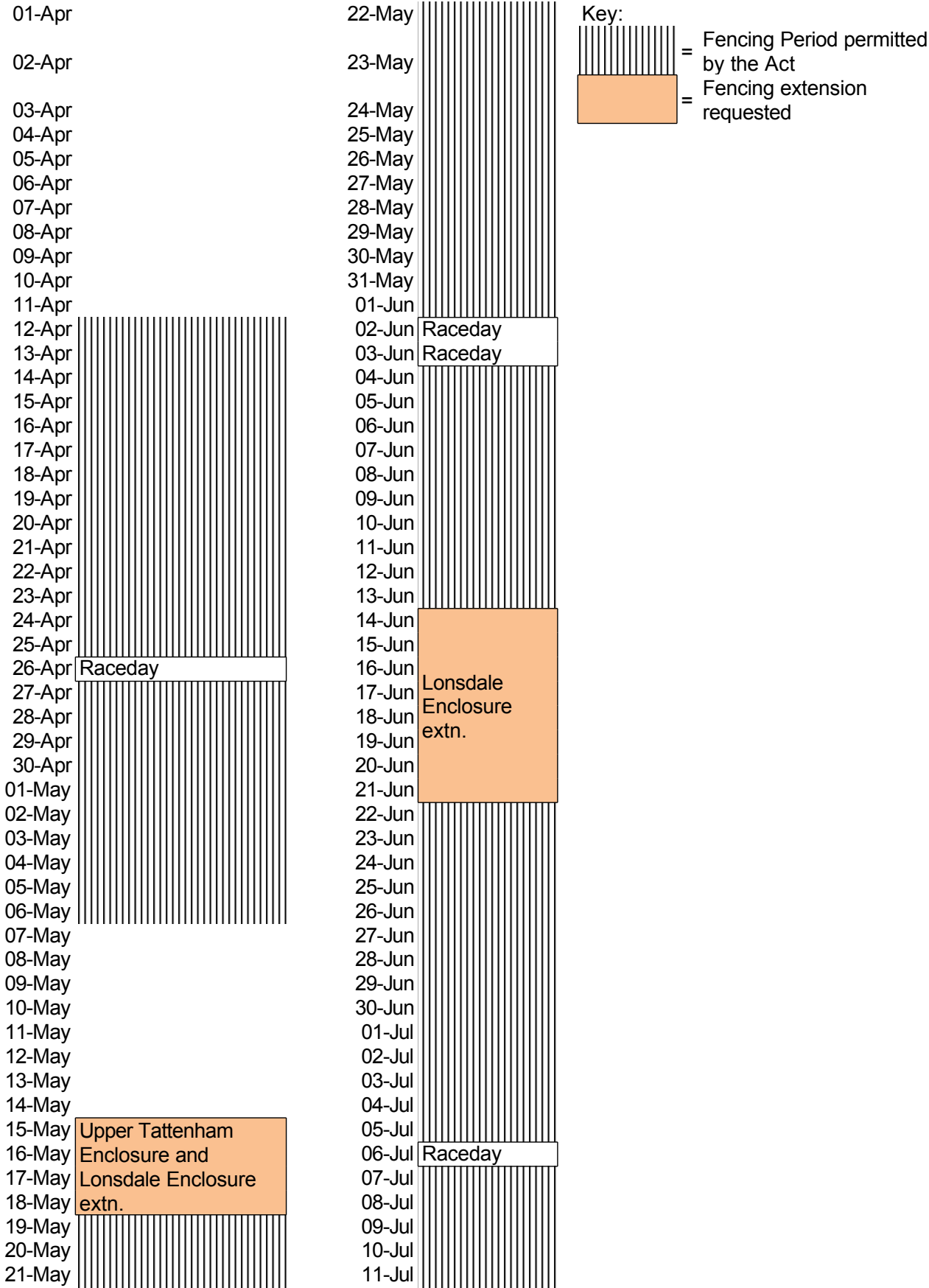
- 10.1 None for the purposes of this report.

## **11 Conclusion and recommendations**

- 11.1 The Conservators are requested to consider and determine the applications from Epsom Downs Racecourse for evening and Sunday race meetings, and the extension of the fencing period as detailed in sections 2, 5 and 6 of this report.

**WARD(S) AFFECTED: College Ward; Woodcote Ward;**

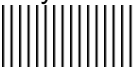

Epsom Racecourse fencing periods - 2017 race season



AGENDA ITEM 8  
ANNEXE 1

|        |         |
|--------|---------|
| 12-Jul |         |
| 13-Jul | Raceday |
| 14-Jul |         |
| 15-Jul |         |
| 16-Jul |         |
| 17-Jul |         |
| 18-Jul |         |
| 19-Jul |         |
| 20-Jul | Raceday |
| 21-Jul |         |
| 22-Jul |         |
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| 28-Jul |         |
| 29-Jul |         |
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| 31-Jul |         |
| 01-Aug |         |
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| 03-Aug | Raceday |
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| 27-Aug |         |
| 28-Aug | Raceday |
| 29-Aug | Raceday |
| 30-Aug |         |

|        |         |
|--------|---------|
| 31-Aug |         |
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| 14-Sep | Raceday |
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| 28-Sep |         |
| 29-Sep |         |
| 30-Sep |         |
| 01-Oct | Raceday |
| 02-Oct |         |
| 03-Oct |         |
| 04-Oct |         |
| 05-Oct |         |
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| 08-Oct |         |
| 09-Oct |         |
| 10-Oct |         |
| 11-Oct |         |

Key:  
 = Fencing Period permitted by the Act  
 = Fencing extension requested

**OUTSTANDING REFERENCES**

Report of the:

Clerk to the Conservators

Contact:

Tim Richardson

Annexes/Appendices (attached):

Annexe 1 - Outstanding references

Other available papers (not attached):

**REPORT SUMMARY**

**This report lists references to officers outstanding as at 18 January 2017.**

**RECOMMENDATION (S)**

**(1) That this report be noted.**

*Notes*

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**OUTSTANDING REFERENCES**

| <b>Ref. of Item<br/>(Min. no /<br/>meeting date)</b> | <b>Title and nature of<br/>issue</b>              | <b>Position at last meeting</b>   | <b>Current position</b>  |
|--|---|---|--|
| 19/04/2006   | Signposting of the Downs                          | 5 Code of Conduct signs in position on the Downs.   | Further signposting requirements for the Downs to be considered at a future meeting of the Conservators.             |
| 19/04/2006   | Additional hack riding area, foot of Walton Downs | Condition of ground did not allow it to be opened for use by hack riders in the view of the TGMB.   | See <u>Item 02</u> .   |
| 25/10/2010   | Maintenance of sand track                         | The Conservators agreed to instruct the Downskeepers not to undertake any works of maintenance to the hack sand track and to ask the Head of Legal and Democratic Services to write to the Horserace Betting Levy Board to confirm that they did not accept that they are responsible for maintaining the track.  | See <u>Item 03</u> .   |
| 19/04/2012   | Combined Habitat Management Plan for the Downs    | The Epsom and Walton Downs Habitat Management Plan 2015-2020 was considered and approved at the meeting in April 2015. It was noted that this would be integrated with the Epsom Golf Course Habitat Management Plan once that had also been reviewed, to create a single Plan document.<br>Peter Howarth (Countryside Officer for Epsom & Ewell Borough Council) has been commissioned to undertake a review of the Golf course Habitat Management Plan. | The final report is in the process of being compiled and will be presented to the April meeting of the Conservators. |

EPSOM AND WALTON DOWNS CONSERVATORS  
18 JANUARY 2017

|                        |  |   |                     |
|------------------------|--|---|---------------------|
| 5/10/2016<br>Minute 17 | Review of fee for metal detecting licenses   | A review of the fee for metal detecting licences for use on the Downs during the 2018 calendar year will be undertaken at the October 2017 meeting of the Conservators. | Report not yet due. |
| 5/10/2016<br>Minute 18 | Review of Memorial Policy fees for the Downs | A review of the fees for items permitted under the Memorial Policy for the Downs will be undertaken at the October 2017 meeting of the Conservators.                    | Report not yet due. |