

EPSOM AND WALTON DOWNS CONSERVATORS

Monday 18 June 2018 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)

Simon Durrant, Epsom Downs Racecourse (Vice-Chairman)

Councillor Rekha Bansil

Andrew Cooper, Epsom Downs Racecourse

Councillor Lucie Dallen

Simon Dow, Horserace Betting Levy Board

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

AGENDA

1. APPOINTMENT OF CHAIRMAN

To appoint a Chairman to the Conservators to hold office until the first meeting of the Conservators held after the Annual meeting of the Borough Council in May 2019.

2. APPOINTMENT OF VICE-CHAIRMAN

To appoint a Vice-Chairman to the Conservators to hold office until the first meeting of the Conservators held after the Annual meeting of the Borough Council in May 2019.

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

The Conservators are asked to confirm as a true record the Minutes of the Conservators' Meeting held on 16 April 2018 (attached) and to authorise the Chairman to sign them.

4. MATTERS ARISING FROM PREVIOUS MEETINGS AND OTHER ITEMS OF INTEREST (Pages 9 - 14)

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

5. ITEMS OF INTEREST DISCUSSED BY THE TRAINING GROUNDS MANAGEMENT BOARD (TGMB) (Verbal Report)

The Conservators will receive a verbal report of any items of interest discussed at recent meetings of the Training Grounds Management Board (TGMB). The TGMB is scheduled to next meet on 11 June, following publication of this agenda.

6. REPORT OF THE HEAD DOWNSKEEPER (To Follow)

The Conservators will receive report of the Head Downskeeper, detailing recent events and works on the Downs.

7. MATTERS ARISING FROM THE DERBY RACE MEETING (Verbal Report)

Simon Durrant will provide the Conservators with a verbal report regarding any matters arising from the Derby race meeting.

8. PARKING ON LAND IN FRONT OF DERBY ARMS (Pages 15 - 48)

Consideration of Epsom Downs Racecourse's request for permission for car parking on car parks known as Car Park 2 and 6, outside their current permitted usage.

9. FINAL ACCOUNTS 2017/18 (Pages 49 - 64)

This item reports on the final accounts for the financial year 2017/18 and the financial position as at 31 March 2018.

10. HACK RIDING MAP (Pages 65 - 70)

To review and approve the new Hack Riding Map which will be used to educate horse riders on where to ride on Epsom and Walton Downs.

11. FORWARD PLAN FOR CONSERVATORS' ITEMS (Pages 71 - 74)

This report set out a list of anticipated reports to be considered by the Conservators and the meeting to which it is intended the matters be reported.

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**Minutes of the Meeting of the EPSOM AND WALTON DOWNS CONSERVATORS
held on 16 April 2018**

PRESENT -

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

In Attendance: Conor Morrow (Lower Mole Countryside Management Service)

Absent: Councillor Rekha Bansil and Councillor Clive Woodbridge

Officers present: Kathryn Beldon (Clerk to the Conservators), Amardip Healy (Chief Legal Officer), Sam Beak (Downs Manager), Bob Harding (Head Downskeeper), Samantha Whitehead (Streetcare Manager) and Tim Richardson (Democratic Services Officer)

31 MINUTES OF PREVIOUS MEETING

The Minutes of the Meeting of the Epsom and Walton Downs Conservators held on 22 January 2018 were agreed as a true record and signed by the Chairman.

32 MATTERS ARISING FROM PREVIOUS MEETINGS AND OTHER ITEMS OF INTEREST

The Conservators received a report providing an update on issues raised at previous meetings. The following matters were considered:

- a) **Public consultation on parking for non-racing events.** The Conservators noted that this consultation had now ended, and a report presenting the responses received would be presented to the next meeting.
- b) **Maintenance of the hack sand track, foot of Walton Downs.** The Conservators noted that no response had yet been received from the Horserace Betting Levy Board.

Following consideration, the Conservators:

- (1) Noted the updates on issues raised previously.

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

The Conservators noted an update on items considered by the Epsom and Walton Downs Training Grounds Management Board. The following matters were considered:

- a) **Hatched area.** The Conservators were informed that the hatched area was currently closed for hack riding due to the ground conditions.
- b) **Woodland Trust site, Langley Vale.** The Conservators noted the concerns expressed by the TGMB with regard to the planning application submitted by the Woodland Trust for an access road, car park and (outline application for a) visitor centre. It was noted that applications had been submitted by the Woodland Trust to both Mole Valley and Reigate & Banstead Councils.

Following consideration, the Conservators:

- (1) Noted the updates on items considered at recent meetings of the Epsom and Walton Downs Training Grounds Management Board.

34 REPORT OF THE HEAD DOWNSKEEPER

The Conservators received a report of the Head Downskeeper updating them on recent issues and activities on the Downs. The following matter was considered:

- a) **Staffing.** The Conservators noted that the Downskeeper team was fully staffed (6 team members).

Following consideration, the Conservators:

- (1) Noted the report of the Head Downskeeper.

35 REPLACEMENT TELECOMMUNICATIONS JOINT BOX ON THE DOWNS

The Conservators received a report setting out an application from BT to replace a telecommunications joint box on the Downs in the Tattenham Corner area. The works to complete this required approval from the Conservators under Downs byelaw 2. (i).

Following consideration, the Conservators:

- (1) Agreed to the proposal from BT as set out in Annexe 1 to the report, and granted consent for the necessary works under byelaw 2. (i).

36 EVENTS ON EPSOM & WALTON DOWNS

The Conservators received a report providing details of event requests for consideration.

Following consideration, the Conservators:

- (1) Agreed the following events on the Downs:
 - Mole Valley Orienteering Club (Thursday 17 May 2018)
 - Downs Young Athletes Cross Country League (Sundays 21 Oct, 2 Dec 2018, 17 Feb, 3 Mar 2019)
 - Epsom College (Thursday 22 Nov 2018)
 - EDMAC Cloud Tramp (Saturday 4 August 2018)
 - Omni Terrier Derby (Sunday 26 August 2018)
 - Tadworth Athletics Club: Tadworth Ten (Sunday 6 January 2019)
- (2) Noted the Calendar of Events for 2018/19 as at Annexe 2 to the report.
- (3) Noted the fees and charges to be applied to each event.
- (4) Noted the review of the maximum number of events under each category per financial year and agreed that the numbers should remain unchanged as detailed in Annexe 4 to the report.

37 MINUTES OF THE EPSOM AND WALTON DOWNS CONSULTATIVE COMMITTEE

The Conservators received a report presenting the Minutes of the Epsom and Walton Downs Consultative Committee held on 12 March 2018.

Following consideration, the Conservators:

- (1) Noted the Minutes of the meeting of the Epsom and Walton Downs Consultative Committee held on 12 March 2018

38 OUTSTANDING REFERENCES

The Conservators received a report presenting the outstanding references as at 16 April 2018.

Following consideration, the Conservators:

- (1) Noted the outstanding references.

The meeting began at 6.00 pm and ended at 6.21 pm

COUNCILLOR LIZ FROST (CHAIRMAN)

MATTERS ARISING FROM PREVIOUS MEETINGS & OTHER ITEMS OF INTEREST

Head of Service/Contact: Amardip Healy, Chief Legal Officer
Annexes/Appendices (attached): **Annex 1** – Statement from HBLB regarding reform of its functions
Other available papers (not attached): none

Report summary

This report presents an update on issues raised at previous meetings.

Recommendation (s)

- (1) That the Conservators note the current situation on issues raised previously.

1 Maintenance of the hack sand track, foot of Walton Downs

- 1.1 The Council first wrote to the Horserace Betting Levy Board (HBLB) on 20 September 2016 in relation to the responsibility for maintenance of the Hack Sand Track. Having not received a response, a further letter was sent on 24 March 2017. Unfortunately again no response was received. Since March 2018, the Council has been actively seeking a dialogue with the HBLB to address the issues and on the 9 May 2018, a response was received.
- 1.2 The HBLB have confirmed they are in discussions with the Jockey Club and also the Epsom Downs Riders Association to understand the specific issues and obligations. They are currently investigating where the maintenance responsibility rests following HBLB's disposal a leasehold interest of Epsom Downs racecourse to the Jockey Club in the 1990s and then the freehold in the 2000s.
- 1.3 The HBLB appreciates that a conclusion needs to be reached and certainly before its functions are transferred to the Gambling Commission later this year (as detailed in **Annex 1**).

Ward(s) Affected: College Ward; Woodcote Ward;

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21 Bloomsbury Street, London, WC1B 3HF
Telephone: 020 7333 0043
e-mail: hblb@hblb.org.uk

30th January 2017

Dear Sir/Madam

Reform of Horserace Betting Levy for Great Britain

Introduction

We are contacting you to alert you to the forthcoming changes to the Horserace Betting Levy which the UK Government intends to introduce in April 2017. These changes may affect your company.

Additional information regarding these arrangements will be provided as soon as possible but, at this stage, you are not required to take any action.

Background

The UK Government announced on 14th January 2017 that it intends to introduce a reformed statutory Horserace Betting Levy in April 2017, subject to receiving State aid approval. The Government's press release is attached.

The principal purpose of the reform is that any gambling business that takes bets from customers located in Britain on horseraces held in Britain will be liable, under UK law, to pay 10% of its gross profit from such bets. The first £500,000 of gross profit will be exempt from the calculation. This will mean that operators that offer bets on British horseracing to customers located in Britain will be within scope of the Levy, regardless of where the operator is based.

The Horserace Betting Levy Board will be responsible for the administration of the Levy until its functions transfer which, as set out in the press notice, it is intended will occur in early 2018.

Yours faithfully

Alan Delmonte
Chief Executive

Embargoed until 0001 Saturday 14 January 2017

Department for Culture, Media and Sport Press Release

Government boost for Horseracing in Betting Levy Reform

Move will help secure the future of horseracing and ensure a fair return to the sport from gambling operators

British Horseracing will benefit from mandatory contributions from all major gambling businesses that take bets on the sport in this country, Sports Minister Tracey Crouch announced today.

The move will ensure that any gambling business that takes bets from British-based consumers on races held in this country will pay 10 per cent of their gross profits from racing, above the first £500,000 they make, to support the sport and the equine industry.

It will be enforced via a reformed statutory Horserace Betting Levy. The Levy has been in existence since 1961 but has become outdated. Under the current levy system offshore online betting businesses that take bets on British racing are under no statutory obligation to contribute to horseracing, although some make voluntary contributions.

The government intends to introduce the new funding scheme in April 2017. This is subject to receiving state aid approval for these proposals.

Today's announcement follows consultation with both the betting and racing industries and will ensure a level playing field amongst gambling operators that are based in Britain and those that are offshore.

Sports Minister Tracey Crouch said:

"This move will help secure the future of horseracing in Britain by making sure that gambling firms pay a fair return to support the sport. Horseracing has a strong heritage in this country, employing thousands of people and is enjoyed by many almost every day of the year. This new approach to the Horserace Betting Levy will help sustain and develop the sport."

The levy will support funding for a range of areas including prize money, integrity, equine welfare, veterinary science and the mental and physical wellbeing of participants.

The levy scheme will apply to all operators who offer bets on British horseracing by GB-based customers, including pool betting, betting exchanges, on-course bookmakers and on spread bets.

The Sports Minister will also review the rate set within seven years of the legislation coming into force to ensure that it reflects any future changes in the market.

The Government intends to transfer responsibility for collecting the Levy to the Gambling Commission in early 2018, that will mean that the Horserace Betting Levy Board will be wound up.

The levy funding will be passed on by the Gambling Commission to a nominated Racing Authority, that will act on behalf of British racing and be responsible for making decisions on spend.

Notes to Editors:

For further information contact:

Jose Riera, DCMS Press Office on 020 7211 6971 / 07825 057405

- The government will introduce a statutory instrument to enact the changes to the Horserace Betting Levy that we intend to come into effect from April 2017.
- The gross profits refer to Gross Gambling Yield (GGY), that is stakes minus prizes paid out.
- Government will lay a Legislative Reform Order to effect the transfer of responsibilities to the Gambling Commission and Racing Authority. We will consult affected stakeholders on the detail of those proposals shortly.

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UPDATE PARKING ON LAND IN FRONT OF DERBY ARMS

| | |
|---|--|
| Head of Service/Contact: | Amardip Healy, Chief Legal Officer |
| Annexes/Appendices (attached): | Annex 1 – Report and Minutes of the meeting of the Conservators held on 18 January 2017 Annex 2 – Plan Annex 3 – Consultation responses Annex 4 – Consultation comments Annex 5 – Representation from Epsom Civic Society Annex 6 – Representation on behalf of British Horse Society Annex 7 – Epsom Downs Racecourse parking log for 2017 |
| Other available papers (not attached): | Report and Minutes of the meeting of the Conservators held on 23 January 2014 |

Report summary

Consideration of the Epsom Downs Racecourse's request for permission for car parking on car parks known as Car Park 2 and 6, outside their current permitted usage.

Recommendation (s)

- (1) To determine Epsom Downs Racecourse's application to use the areas identified on the Plan attached at Annexe 2 known as Car Park 2 and 6 for further car parking use in accordance with the options set out in paragraph 3.6 of this Report, by either:**
- a) Refusing (Option A)**
 - b) Granting without conditions (Option B);**
 - c) Granting with conditions (Option C);**
- both or any part of the applications.**

1 Background

- 1.1 At the Conservators Meeting on the 18 February 2017, the Conservators were asked to consider a request from Epsom Downs Racecourse for consent to use the area known as “Car Park 6” for parking for certain events throughout the year.
- 1.2 The Conservators agreed in principle to the application but requested that a public consultation should be undertaken prior to a full decision being taken. The report presented to that meeting set out the full history of the application and the minutes are attached at **Annex 1**.
- 1.3 In January 2018, Epsom Downs Racecourse asked for “Car Park 2” to be added to its request. The location of the proposed car parking at Car Park 2 and 6 is shown at **Annex 2**.
- 1.4 The Conservators received an update at their meeting on the 22 January 2018 along with a copy of the proposed public consultation document on the parking proposal (further to the Conservators recommendation of January 2017). The consultation document was agreed.
- 1.5 The public consultation ran from 29 January 2018 to 28 February 2018.

2 Consultation responses

- 2.1 The consultation process asked 6 questions, the responses to 1-5 is attached at **Annex 3** and the responses to question 6 which requested any further comments on any of the questions respondents wished to make, are set out in a Table in **Annex 4**.
- 2.2 There were sixteen responses to the consultation in total and the responses were equally divided as to whether consent should be granted, with 50% of respondents answering ‘yes’ and 50% answering ‘no’.
- 2.3 Of the eight respondents who answered ‘no’, five provided a comment for their response. However, all these comments had previously been raised and discussed by the Conservators at their meeting on the 17 January 2017.
- 2.4 For easy reference the table below sets out the comments along with details of their previous consideration:

| No of responses | Response | Officer comment |
|-----------------|--|--|
| 3 | the possible detrimental effect to the protected grassland | considered at the meeting of the Conservators on 18 January 2017, at which the representative for the Lower Mole Countryside Management Service informed the meeting that he did not have any ecological concerns with regard to the application for use of 'Car Park 6' |
| 1 | concerns about the health and safety implications and access to the area | considered at the meeting of the Conservators on 18 January 2017 |
| 1 | sufficient parking already available | explored at the meeting in January 2017 and Epsom Downs Racecourse advised that this area was preferable as it had better drainage and provided a more pleasant customer experience |
| 1 | application included a designated hack area under the Epsom and Walton Downs Regulation Act 1984 (the "Act") | the legal position was set out fully in the report presented to the Conservators on 18 January 2017 |

2.5 In addition to the consultation responses, two further representations were received. The first was from Epsom Civic Society is at **Annex 5** and requests that a limit is placed on the number of days when the area can be used for parking.

2.6 The second was received on behalf of the British Horse Society (the "BHS") is at **Annex 6**. This response raises a number of legal arguments as to whether consent can actually be granted for the area to be used for car parking. The legal position was set out fully in the report presented to the Conservators on 18 January 2017.

- 2.7 In relation to the specific queries raised by the BHS the Racecourse does not have any right to use the areas for parking outside of the period specified in the Act (the preparatory and racing period). This is set out in paragraphs 4 to 10 of the BHS response.
- 2.8 In considering paragraph 11 of the BHS representation, s.1 of the Act sets out powers of the Conservators to regulate, preserve and control the Downs and this specifically includes:
- 2.8.1 They shall set aside areas for use as car parks under s.25 of the Act but the Act is silent as to where these areas should be.
- 2.8.2 They have the power to prohibit and regulate the driving and placing on the vehicles on the Downs under s.11 of the Act which permits the Conservators to make byelaws for this purpose.
- 2.9 The Act does not prohibit driving or placing vehicles in the Downs. Instead management of the Downs is left to the regulation by the Conservators. The Conservators have chosen to make byelaws which prohibit the driving and placing of vehicles without their consent, unless it is in an authorised parking place.
- 2.10 The duty on the Conservators when making decisions, is to balance the competing interests of protecting the Downs whilst balancing the competing interests of all other the parties.
- 2.11 In reviewing the consultation responses and representations (including paragraphs 13 to 16 of the BHS representation) and the request from the Racecourse, the following points would need to be noted:
- 2.11.1 The request is for the parking of vehicles by the Racecourse in the identified areas only;
- 2.11.2 Parking can currently take place in the identified areas at specific times, as provided:
- in the Act;
 - under the consent granted by the Conservators on 23 January 2014 for events approved by the Conservators. This consent was as follows: “Applications for event parking for approved events on areas designated as ‘1,2,5,6 and 15’ on the map attached as **Annex 1** to the report will be considered as falling on racecourse land and within the Racecourse’s ability to approve if it wishes. The Racecourse will be solely responsible for the reinstatement of any of these areas for which it has granted access, in the event of any damage as a result of their use for such parking”;
 - pursuant to the consent granted in principle on 17 January 2017;

2.11.3 The Conservators can restrict any consent granted and/or attach conditions as appropriate.

3 Proposals

- 3.1 The Racecourse has sought consent for parking in the identified areas to respond to the need for flexibility when circumstances require. The circumstances have varied from inclement weather to the need for workman to be able to park whilst works to the Racecourse are carried out. These have put some pressure on the need for suitable parking to be available often at short notice.
- 3.2 In order to monitor usage, following the grant of consent in January 2017, the Racecourse have recorded the frequency of use of these areas, and summary is attached at **Annex 7**.
- 3.3 The Racecourse have confirmed they will assist with the practical steps to balance the needs of the competing interests with the need to protect the Downs. They have offered to meet with representatives of Epsom and Walton Downs Consultative Committee to discuss how suitable paths are identified and kept clear to enable use for hack riding/ pedestrians to continue, when the areas under consideration are in use for an event. Although this offer is welcome, it would add to uncertainty to all parties and if the Conservators are minded to grant a conditional consent, it is better this issue is addressed as a part of a management plan for the operation of the affected car parks.
- 3.4 The areas identified are currently used for car parking, during certain times of the year and for permitted events. The Racecourse have used these areas as additional parking for a substantial period of time.
- 3.5 In terms of taking matters forward the options available range from not giving consent, to giving unqualified consent to qualified consent. It would be difficult not to provide any consent as the Racecourse have been using the area for some time which the Conservators have recognised in the decision of in January 2017.
- 3.6 The options for determining the request are:

Option A

No consent

Option B

Grant consent for either both or one of the Car Parks without any conditions

Option C

Grant consent for either both or one of the Car Parks with restrictions and conditions, namely:

- (i) *limit the use of Car Park 2 and 6 jointly to no more than 40 days a year (which is exclusive of existing permitted user rights);*
- (ii) *to identify and make available suitable paths to enable use for hack riding/pedestrians to continue when Car Park 2 and 6 are in use for an event falling within C (i) above;*
- (iii) *the Racecourse produce an agreed management plan for the management of the car parks, which is then implemented, to ensure compliance with proposed conditions and restrictions, with the rights of inspection of such plan given to officers of the Council.*

4 Financial and Manpower Implications

- 4.1 The Council will be able to monitor compliance with any management plan through existing resources.
- 4.2 **Chief Finance Officer's comments:** Any costs relating to implementing conditions and/or restrictions will need to be met within existing resource levels or supplemented by external funding.

5 Legal Implications (including implications for matters relating to equality)

- 5.1 These are addressed in detail throughout the report.

6 Risk Assessment

- 6.1 If consent is granted then there remains a risk that riders, walkers and cars wishing to use the areas may come in to conflict. Whilst this does not appear to have presented problems to date, if the use intensifies, then it is a possibility and is something that will need careful consideration. The implementation of a management plan should help to mitigate any risks.

7 Conclusion and Recommendations

- 7.1 That, following consideration of the responses received to the public consultation, the Conservators determine whether consent should be granted to Epsom Downs Racecourse for use of the areas identified in **Annex 2**.

Ward(s) Affected: College Ward; Woodcote Ward;

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;



**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 usage 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).

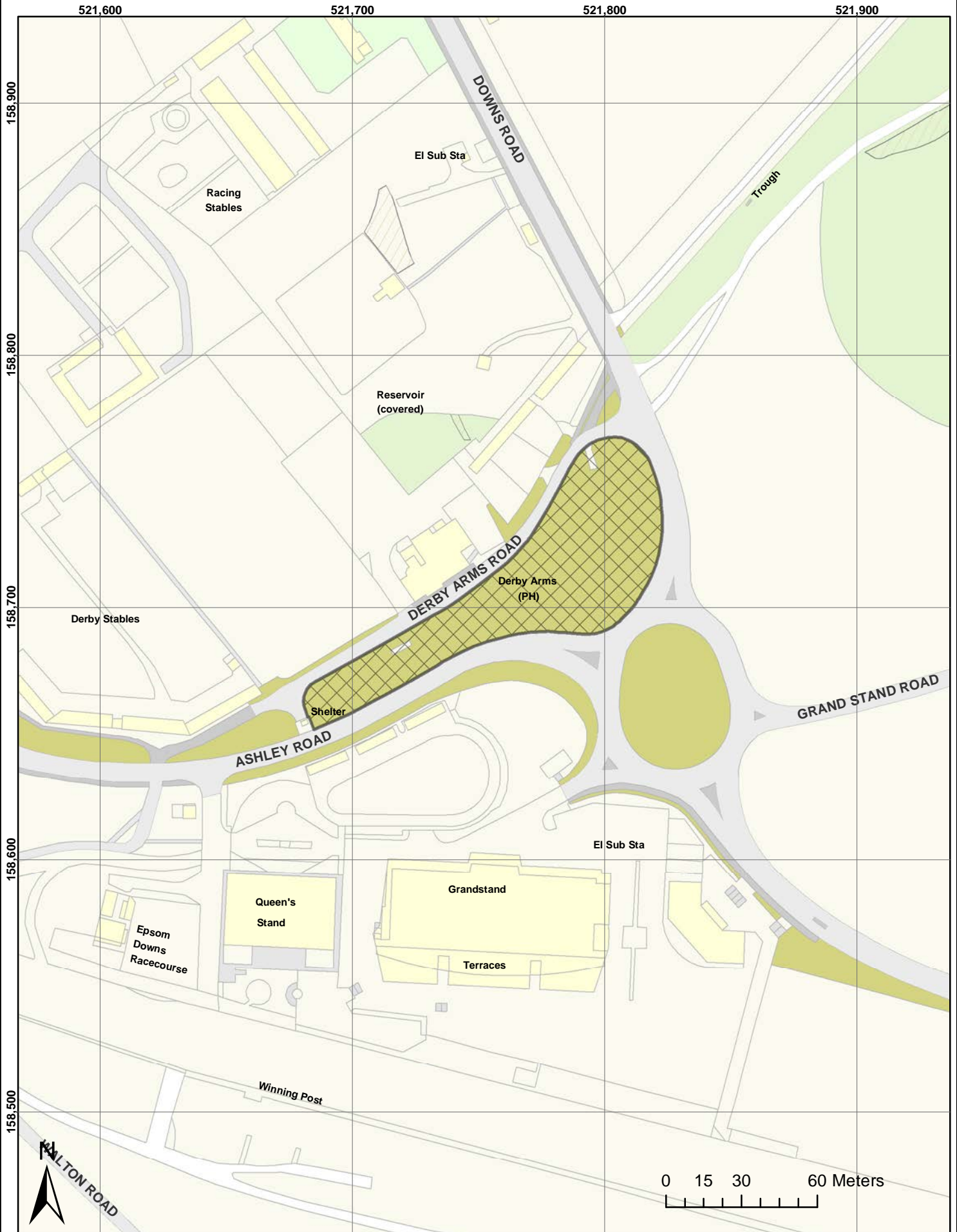
To date the racecourse has not been made aware of any issues or incidents caused by parking vehicles to either hack riders or horses in training.

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



**Minutes of the Meeting of the EPSOM AND WALTON DOWNS CONSERVATORS
held on 18 January 2017**

PRESENT -

Councillor Liz Frost (Chairman); Andrew Cooper (Epsom Downs Racecourse) (Vice-Chairman); Councillor Rekha Bansil, Simon Durrant (Epsom Downs Racecourse), Councillor Robert Foote (Items 24 - 30 only), Councillor Jan Mason, Nigel Whybrow (Epsom Downs Racecourse) and Councillor Clive Woodbridge.

In Attendance: Conor Morrow (Lower Mole Countryside Management Service)

Absent: Councillor Lucie Dallen and Simon Dow (Horserace Betting Levy Board)

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

28 PARKING ON LAND IN FRONT OF DERBY ARMS

The Conservators received a report presenting a request from Epsom Downs Racecourse for permission to park cars on land in front of the Derby Arms public house at times when events were being held at the Racecourse. The following matters were considered:

- a) Ecological matters. The Lower Mole Countryside Management Service representative informed the Conservators that he did not have any ecological concerns with regard to the proposal.
- b) Purpose of request. Simon Durrant informed the Conservators that the area identified in the proposal had been used for overflow car parking for events held at Epsom Downs Racecourse for a number of years, but that direct consent had not been sought from the Conservators. This application had been submitted to the Conservators to seek such consent, and regularise the arrangements.
- c) Level of usage of area. Simon Durrant informed the Conservators that the number of occasions on which the area had been used for parking had increased in 2016, as it had been used whilst roofing works to the Duchesses' Stand were underway. Following completion of those works, it

had returned to its previous level of use. Simon Durrant informed the Conservators that he could not confirm on how many occasions the area was used for parking each year, but that this could be recorded in future.

The Head of Legal and Democratic Services informed the Conservators that if they wished to grant consent for use of the area for parking, they could also place restrictions on this consent, including a limit on the number of occasions per year.

- d) Use of alternative areas. Following questions from the Chairman and other members of the Conservators, Simon Durrant informed the meeting that Epsom Downs Racecourse utilised the area instead of alternatives (including the piece of land adjacent to Tattenham Corner Road & the race track which was referred to as car park 15 during racedays), as it had better drainage and provided a more pleasant customer experience.
- e) Visual impact. Concerns were expressed by members of the Conservators that use of the area for parking could adversely impact on the visual appearance of the area and landscape. Simon Durrant informed the Conservators that the Racecourse had no intention of turning the area into a permanent car park, but wished to continue to use it when necessary for event overflow parking.
- f) Access to the area for vehicles. Simon Durrant informed the Conservators that a barrier was located at the entrance to the area, which restricted access by vehicles. This was opened and manned during times at which parking on the area took place. The barrier did not impede access for pedestrians or horse riders.
- g) Designation as a Hack Area and Hack Ride. The area was designated as an area for hack riding by the Epsom and Walton Downs Regulation Act 1984, and the Conservators noted that consultation with Hack Rider representatives should be included within any consultations undertaken with regard to the proposal.
- h) Public Consultation. The Head of Legal and Democratic Services advised the Conservators that public consultation on the proposal should be undertaken prior to consent being granted, should the Conservators be minded to approve it. It was suggested that this could include writing directly to the Epsom and Walton Downs Consultative Committee (including Hack Rider Representatives), Local Residents' Associations and Ward Councillors, and placing information on the Borough Council's website and e-Borough Insight magazine.

Following consideration, the Conservators:

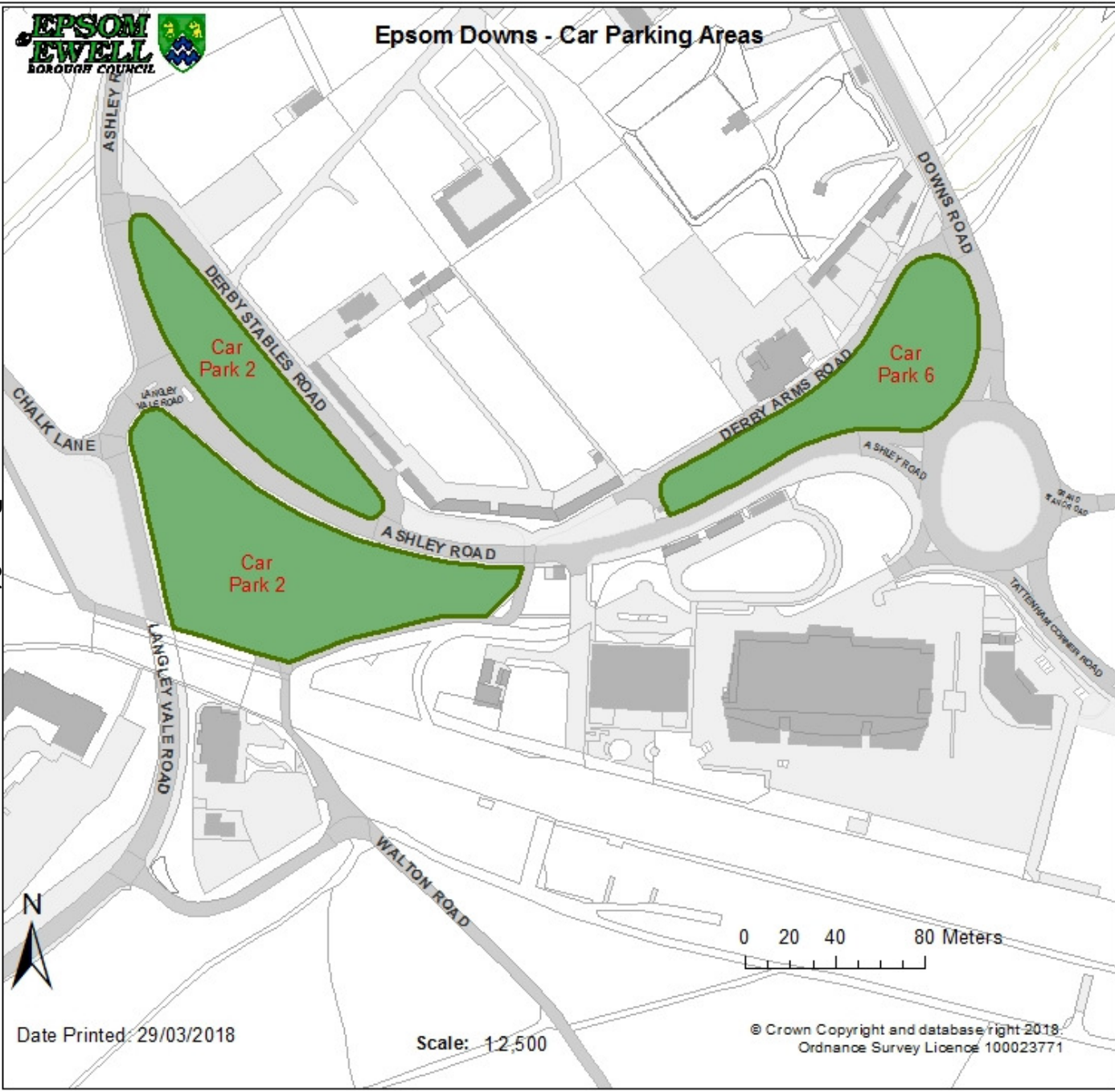
- (1) Agreed in principle to the request from Epsom Downs Racecourse for consent to use the area identified within the report for parking at times in addition to those already permitted.

- (2) Agreed that public consultation on the request submitted by Epsom Downs Racecourse should be undertaken prior to a full decision being taken upon it, and that the wording and scope of this consultation would be circulated to all Members of the Conservators by the Council's Head of Legal and Democratic Services prior to its publication.

The meeting began at 6.00 pm and ended at 6.55 pm

COUNCILLOR LIZ FROST (CHAIRMAN)

Epsom Downs - Car Parking Areas



Date Printed: 29/03/2018

Scale: 1:2,500

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Events Parking at Epsom

Downs

Proposal

Epsom Downs Racecourse has asked for permission from the Epsom and Walton Downs Conservators to use the areas indicated on the plan below for parking during various events organised each year.

History

The Downs are regulated by the Epsom and Walton Downs Regulation Act 1984 which provides consent for the Racecourse to park in the areas indicated on the plan for the two weeks prior to and during authorised race meetings. The byelaws for the Downs set out that parking outside of these times needs to be agreed by the Conservators.

Each year the Conservators approve a number of events to take place on the Downs. Following the Conservators' decision on 14 January 2014, the Racecourse is responsible for deciding whether to allow parking on the areas indicated on the plan for these approved events. For any other events at the Racecourse, which did not require the approval of the Conservators, a separate permission is required from the Conservators to allow parking on the areas indicated.

The Racecourse has been using these areas for the parking of vehicles for events such as Antiques Fairs, Wedding Fairs and large conferences for a number of years and it is now proposed that formal consent is granted by the Conservators. The frequency of these events throughout the year varies. The Racecourse has reported that no issues or incidents have taken place as a result of parking in these areas in the past.

Consultation

Prior to granting consent the Conservators wish to seek your views about the parking of vehicles in the indicated areas. Your views will be taken in to account however they will not be determinative of the application. The deadline for submitting your views is 28/02/18.

0 (0.0%)

0 (0.0%)

How often do you use the areas indicated on the plan?

- 5 (31.3%) Don't use the areas
- 2 (12.5%) Daily
- 2 (12.5%) Weekly
- 2 (12.5%) Monthly
- 2 (12.5%) Twice yearly
- 0 (0.0%) Yearly
- 3 (18.8%) Other

**Agenda Item 8
Annex 3**

If 'Other', please specify below....

3 (100.0%)

What do you use the areas for? (Please tick all that apply)

- 1 (9.1%) Riding/hacking
- 8 (72.7%) Walking
- 0 (0.0%) Parking
- 4 (36.4%) Other

If 'Other', please specify below....

3 (100.0%)

Has the parking of vehicles on the areas impacted on your ability to use the areas?

- 7 (63.6%) Yes
- 4 (36.4%) No

If 'Yes', please explain below....

5 (100.0%)

Should consent be granted to the Racecourse to use the areas for parking (other than for approved events and racing)?

- 8 (50.0%) Yes
- 8 (50.0%) No

If 'No', please explain your reason/s below....

5 (100.0%)

If consent is granted should a limit be placed on the number of days when the areas can be used for parking outside of approved events and racing?

- 15 (93.8%) Yes
- 1 (6.3%) No

Please provide any further comments regarding this proposal below....

11 (100.0%)

Equalities Monitoring

Agenda Item 8
Annex 3

This section is not compulsory to fill however it will help us to improve our services further. All data collected under this section will be treated with the strictest of confidence.

How old are you?

| | |
|-----------------|-----------------|
| 0 (0.0%) 16-24 | 4 (26.7%) 65-74 |
| 0 (0.0%) 25-34 | 3 (20.0%) 75-84 |
| 2 (13.3%) 35-44 | 1 (6.7%) 85-94 |
| 3 (20.0%) 45-54 | 0 (0.0%) 95+ |
| 2 (13.3%) 55-64 | |

Do you identify as a... (please tick all that apply)

| | | |
|----------------|-----------------|----------------|
| 10 (66.7%) Man | 5 (33.3%) Woman | 0 (0.0%) Other |
|----------------|-----------------|----------------|

Which of the following describes your marital status?

| | | |
|--|-------------------|--------------------|
| 1 (6.7%) Single | 0 (0.0%) Widowed | 0 (0.0%) Separated |
| 14 (93.3%) Married / Civil partnership | 0 (0.0%) Divorced | |

The Equality Act 2010 states that "a person has a disability for the purposes of the Act if he/she has a physical or mental impairment which has a substantial and long term adverse effect on his/her ability to carry out normal day-to-day activities".

Do you believe you have a disability according to the Equality Act?

| |
|----------------|
| 0 (0.0%) Yes |
| 15 (100.0%) No |

To submit the survey please click the  button below. Thank you for taking part!

The report of this survey will be published on the Epsom & Ewell Borough Council's website. If you would like more information about the survey please contact Epsom & Ewell Borough Council

on telephone: 01372 732000 or email: contactus@epsom-ewell.gov.uk

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| Q2a | Q3a | Q4a |
|--|---|--|
| <p>What do you use the areas for? (Please tick all that apply)...If 'Other', please specify below....</p> | <p>Has the parking of vehicles on the areas impacted on your ability to use the areas...If 'Yes', please explain below....</p> | <p>Should consent be granted to the Racecourse to use the areas for parking (other than for approved events and racing).....If 'No', please explain your reason/s below....</p> |
| <p>Running on Downs and dog walking</p> | <p>Safety implications when accessing Downs.</p> | <p>Inadequate access for cars. Health and safety implications.</p> |
| <p>Running, dog walking</p> | <p>Inadequate access for cars. Health and safety issues for pedestrians.</p> | <p>Excessive parking is detrimental to the amenities of the Downs and causes damage to the grassed area</p> |
| <p>Nature Conservation</p> | <p>Spoilt the experience of what would be otherwise a pleasant experience.</p> | <p>There are plenty of spaces to the east of the buildings on the present grass parking area.</p> |
| | <p>Such parking in front of Derby Arms has restricted the (safe) access to this hack area</p> | <p>Part is a designated hack area under the 1984 Act; it is an attractive open area of the Downs</p> |
| | <p>Cannot appreciate the chalk grassland flora and views available.</p> | <p>Calcareous grassland UK priority habitat of international importance</p> |

| | |
|--|--|
| Q6 | |
| <p>Please provide any further comments regarding this proposal below...</p> | |
| <p>My concern would mainly be that these areas do not become mud fields with the attendant risk that “improvement” measures become necessary such as grids being installed, starting a gradual urbanising spread on the downs.</p> | |
| <p>Would the grass area be retained or would they be covered in a tarmac or similar? If grass retained what plans would be in place to maintain the grass given likely increased usage, wear/damage etc.</p> | |
| <p>As previously stated a lot of the areas used don't have adequate car access and they will be unsafe for pedestrians who have to share access with pedestrians. Cars have sometimes driven through traffic lights on to pavements to access off road parking spaces, making it unsafe for pedestrians crossing roads on to the Downs. This has happened when there have been no parking stewards to determine right of way. As a local Councillor I would be very concerned for the safety of pedestrians.</p> | |
| <p>The use of these areas should continue to be controlled by the Conservators and not left to the commercial pressures of the racecourse.</p> | |
| <p>Calcareous grassland is a UK habitat of principal importance and is also regarded to be of international importance. Sections of the proposed areas although poorly managed retain interesting flora and unless proven otherwise the assumption would be that increased parking is likely to have a negative impact. The Downs Conservators are a public body and therefore have a biodiversity duty under the Natural Environment and Rural Communities (NERC) Act 2006 and this is of particular relevance to calcareous grassland which is a NERC habitat of principal importance.</p> | |
| <p>IT MAY WELL BE THAT MY OPINIONS ON PARKING ARE NOT RELEVANT AS I LIVE OUTSIDE OF EPSOM AND ALTHOUGH I USE THE DOWNS FREQUENTLY I VERY RARELY PARK IN THE AREAS INDICATED</p> | |
| <p>maybe 20 times per year?</p> | |
| <p>Full use of parking on the Racecourse site should be used first. Using these additional car parks detracts from the open visual aspect of the Downs and the enjoyment of walkers. However, if the on-site car parking is insufficient, the car park beside the racetrack could be used, but stewards should be on duty at all times to ensure that there is no detrimental effect on trainers bringing their horses to and from the training grounds.</p> | |
| <p>The other car parks should be filled first ,and only when full the Derby Arms area used. This is in order to retain as much as possible, the open, historic setting around the Grandstand at the top of the hill. It may be necessary to ensure visitors to the Derby Arms, having seen cars parked there have no access at all</p> | |

Parking in the proposed areas destroys the visual appearance and is inappropriate use of the area while there are plenty of other car parking areas adjacent to the racecourse complex.

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Epsom Civic Society

shaping the future, safeguarding the past

102 Rosebery Road
EPSOM
Surrey
KT18 6AA
12th March 2018
01372 273831

Mrs Kathryn Beldon
Clerk, Epsom and Walton Downs Conservators
Town Hall
The Parade
Epsom.

Sean Mrs. Beldon

At our Committee Meeting last month I was asked to write and express our views about the request by the Racecourse for permitted parking outside the Derby Arms. We did not feel the consultation allowed us to express our views fully, and I asked to put this item on the agenda – we would like our views minuted please.

Not wishing in any way to impede the Racecourse's business needs, we nevertheless feel some conditions should be imposed. The two other car parks should both be, as far as possible, filled to capacity before parking is permitted on the area in question. There is a risk that if vehicles are parked here too often, it will be considered by customers of the public house as a general car park. Even if the current barrier is locked in place, there are other means of access.

We ask the Conservators to use their discretion and put a limit on the annual number of days this use is allowed. Our concern is the overall street scene as one approaches the Grandstand which would be much diminished if too much parking is permitted.

Kind regards

Angela Clifford

Angela Clifford

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From: Hugh Craddock (BHS/EWD) <ewd@craddocks.co.uk>
Date: 28 February 2018 at 17:26:03 GMT
To: Tim Richardson <trichardson@epsom-ewell.gov.uk>
Cc: Alex Stewart <alexstewart013@gmail.com>
Subject: Re: Public consultation: Event parking at Epsom Downs Racecourse

Dear Tim

1. I am responding on behalf of the British Horse Society to the consultation to which you kindly alerted me on 30 January. As the online form does not meet our requirements, please would you forward this response to the appropriate colleague co-ordinating the consultation?

2. We should say first of all that we sympathise with the racecourse's wish to secure additional overflow parking for commercial events held in the grand stand buildings. We are happy to support commercial ventures which improve the profitability of operations on the downs, provided they do not have an adverse impact on riders' or the broader public interest.

3. However, in this case, we do not accept that the racecourse has any right to use the areas of the downs highlighted in the consultation for parking for racecourse events, nor that the conservators may authorise such use.

4. It is often said (including in meetings of the conservators) that the downs are 'private land'. So they are: but the context is that the land was formerly also common land subject to rights of common, and subject to a right of access for air and exercise under s.193 of the Law of Property Act 1925. The 1936 Act changed that: it provided for the regulation of the downs in the interests of the public, the racecourse and the trainers. The 1936 Act was repealed and re-enacted with modifications in the 1984 Act. It is the 1984 Act which now provides for the regulation of the downs. The preamble to the 1984 Act provides that: 'It is expedient that the rights of the public over the Downs and the rights of the Company and of the said Stanley Thomas Wootton and his successors in title and of the Levy Board parts of the Downs for the said purposes [*i.e.* racing and training of race horses] should be defined as by this Act provided'. The 1984 Act does precisely that: it sets out the respective rights of the public, the owners (generally referred to below simply as 'the racecourse') and the trainers. The racecourse has no residual rights as a private owner: it may do on the downs what the Act permits it to do, and may not do what is not expressly permitted. It has surrendered its usual rights as a landowner (but see below for how these rights have always been limited) in return for the privilege of regulation of the downs under a statutory scheme: the 1984 Act. The 1984 Act gives the racecourse powers to do things no ordinary landowner could do (such as to close highways and to exclude the public from certain lands with criminal sanctions for breach), but the corollary is that the 1984 Act also defines the full extent of the racecourse's powers.

5. It should be recalled that, prior to the enactment of the 1936 Act, every development on the downs to facilitate racing was controversial and often opposed by the town. That is why the 1938 Act was procured: to put in place a statutory mechanism for regulating the downs and reducing conflict. It should not be assumed that, were the downs not subject to statutory regulation, the racecourse would have a free hand to manage the land in its own interests: the powers of the owners would be severely circumscribed by the historical status of the land as common land. The racecourse was released from that constraint by the 1936 Act, but voluntarily placed itself under new statutory constraints.

6. It follows that the 1984 Act must be consulted to establish the powers of the racecourse as respect its use of any land. Those powers are extensive. They comprise:

- s.14: holding race meetings;
- s.17(1)–(8), (12)–(14), (16): a detailed and precise regime for the holding and conduct of horse races at meetings, including the exclusion of the public, erection of fencing, structures, booths and other facilities, operation of bookmakers, and the closure of roads;
- ss.17(9) and 20: training of race horses;
- s.17(10): erection of refreshment stalls;
- s.17(11): leases for a golf course;
- s.17(15): maintenance of race course;
- s.18: alteration of race course;
- s.21: temporary car parking;
- s.22: grazing of sheep;
- s.23: obligation to maintain certain highways.

7. These provisions are remarkably detailed. For example, ss.17(9) and 20 provide for the precise demarcation of areas which may be used for the training of race horses, subject to the power of the conservators to allow training to extend into other areas, and confer a power (s.17(9)(c) and 20(3)) to, 'preserve and maintain training gallops thereon and place bushes and wooden dolls on such training gallops'. It need hardly be said that, if the racecourse had the usual powers of a landowner as regards the downs, the 1984 Act would not need to confer on it a power to contract for the training of race horses on the land — still less to concern itself with the seemingly trivial power to mark out the training areas with dolls and bushes. Similarly, the race course can lease part of the downs for the purposes of a golf course only because s.17(11) says that it may do so. And so on.

8. Turning to car parking, s.17(4)(a) confers a power on the racecourse to set out temporary parking places on the downs during the preparatory period, the racing period and the intervening period, subject to their being removed as soon as practicable after the end of each meeting, and in any event, within ten days. S.17(12) confers a power to, 'admit vehicles to temporary parking places...on payment of such charges as aforesaid', but the power is clearly contingent on the powers in s.17(4) in relation to the racing period. S.21(a) confers a power to erect a temporary parking place at a specified site (not relevant to the lands highlighted in the consultation). S.17(2) confers a power, with the approval of the council, to make provision for parking in connection with alterations to the Grand Stand and certain other buildings, but — there being no such alterations at the present time — is not relevant here.

9. In summary, the clear intention of the 1984 Act is to confer a power on the racecourse to set out temporary car parks on the downs for use during race meetings, and to use, and charge for admission to, those car parks during race meetings. The powers apply to the land coloured green on the deposited map, which includes the land highlighted in the consultation.

10. The racecourse therefore has no power to permit car parking on these areas at times other than race meetings, still less throughout the year for commercial events independently of the racing calendar.

11. The consultation states that: 'The byelaws for the Downs set out that parking outside of these times needs to be agreed by the Conservators.' The byelaws make no such provision. Byelaw 2(i)(f) provides that, 'A person shall not, without the consent of the Conservators, on the Downs: ...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 therefore an offence under the byelaws to park on the downs without the consent of the conservators. The consent of the conservators is presumably implied in relation to designated car parks. However, the conservators' consent to parking in any other place merely removes the possibility of prosecution under the byelaws: it does not render lawful what would be unlawful under the 1984 Act. And as we have shown, the 1984 Act does not confer any power on the racecourse to use the downs for commercial parking except in connection with race meetings. Nothing that is done under or for the purposes of the byelaws can affect the question of lawfulness under the 1984 Act. The racecourse must act in compliance with the civil law, even if the threat of prosecution is removed. However, it would be improper for the conservators to waive the application of byelaws to an act which remains unlawful.

12. It is hardly surprising that the racecourse labours under these severe restrictions on the use of its land: it has voluntarily entered into the statutory commitment to do so, ever since the 1936 Act was procured.

13. It is also the duty of the conservators under s.10(1) to 'preserve the Downs so far as possible in their natural state of beauty' — not to turn over the most accessible and visible parts of the downs to an all-year round car park. The conservators constantly express concern about the potential impact of events on the downs: why then should they be prepared to entertain the possibility of using these areas for parking, with the wear and damage that this will cause, in the most visible of locations? Moreover, the land highlighted in the consultation outside the Derby Arms, which has the character of a village green, is a riders' hack area: the Society says that, regardless of the wider context of statutory powers, the conservators should not purport to authorise the use of a riders' hack area as a private car park, to the obvious interference with riders' rights and convenience. When this area is used for car parking, riders are diverted to ride along Derby Arms Road, competing with motor vehicles being driven to and from the Derby Arms, and of course, vehicles entering and leaving the 'car park', access to which is from Derby Arms Road. This hardly matters on race days, when hack riding near the racecourse is prohibited — but it matters at other times.

14. It is intolerable that the conservators even entertain the possibility that the areas highlighted in the consultation should be used for parking for commercial events. This is not the purpose for which the downs are regulated and conserved under the 1984 Act, it is a gross interference with the use of the downs for quiet recreation and (particularly) designated equestrian use, it is an imposition on the amenity of the downs and a visual degradation, it has nothing whatsoever to do with the public enjoyment of the downs, and (unsurprisingly, given the public detriment) it is unlawful.

15. We therefore call on the conservators to reject these proposals. The public do not visit the downs to see them used as a commercial car park. We should be happy to discuss with officers and the racecourse what alternative measures are open to secure additional parking.

16. Please would you ensure that this objection is placed before the conservators when they are asked to make a decision on the proposal.

regards

Hugh

Hugh Craddock

BHS District Access & Bridleways Officer, Borough of Epsom and Ewell (including
Epsom and Walton Downs)

01372 729793

email: ewd@craddocks.co.uk

website: www.craddocks.co.uk/ewd/

blog: ewd.craddocks.co.uk

**External Car Park Usage
Non Racedays 2017**

| | | No. of Times Used |
|-------------------|------------------|--------------------------|
| Car Park 2 | January | 1 |
| | February | 1 |
| | March | 0 |
| | April | 3 |
| | May | 2 |
| | June | 2 |
| | July | 5 |
| | August | 1 |
| | September | 4 |
| | October | 5 |
| | November | 6 |
| | December | 1 |

| | | |
|-------------------|------------------|---|
| Car Park 6 | January | 1 |
| | February | 0 |
| | March | 0 |
| | April | 0 |
| | May | 1 |
| | June | 1 |
| | July | 3 |
| | August | 1 |
| | September | 0 |
| | October | 0 |
| | November | 1 |
| | December | 0 |

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FINAL ACCOUNTS 2017/18

| | |
|---|--|
| Head of Service/Contact: | Lee Duffy, Treasurer to the Conservators |
| Annexes/Appendices (attached): | Annex 1 – 2017/18 Cost Centre Accounts Annex 2 – Financial Statements 2017/18 Annex 3 – Annual Governance and Accountability Return 2017/18 |
| Other available papers (not attached): | Final Accounts Working Papers |

Report summary

This item reports on the final accounts for the financial year 2017/18 and the financial position as at 31 March 2018.

Recommendations

- (1) That the final accounts for 2017/18 be received, subject to external audit.**
- (2) That the Conservators approve the Annual Governance Statement as set out in section 1 of Annex 3 to this report.**
- (3) That the Conservators consider and approve the Accounting Statements as set out in section 2 of Annex 3 to this report.**
- (4) That the Conservators confirm that the arrangements for the internal audit as set out in this report are effective for auditing purposes.**
- (5) That the Chairman and Clerk be authorised to sign the Annual Governance Statement and the Accounting Statements on behalf of the Conservators.**

1 Introduction

- 1.1 The revenue account for the year ended 31 March 2018 is attached at **Annex 1**. This shows the detailed income and expenditure for the year compared to the original budget and the forecast reported in January 2018.
- 1.2 The financial statements for 2017/18 are attached at **Annex 2**.

1.3 The Annual Governance and Accountability Return is attached at **Annex 3**.

1.4 The accounts are subject to external audit.

2 Revenue account for 2017/18

2.1 Net expenditure for the year exceeded income by £3,230, resulting in a reduction in the working balance of the same amount. This was £87 more than the forecast use of the working balance provided at the meeting on 22 January 2018.

2.2 Net expenditure for the year was £383,040 compared to the original budget of £380,670.

2.3 Repair works to the water main near the Downskeepers Hut were completed at a cost of £6,500. This was funded by an approved contribution from the Repairs and Renewals fund.

2.4 Car Park repairs cost £2,235 compared to a budget of £1,000 in 2017/18. A budget of £4,000 has been included in 2018/19 for car park repairs to reflect the increased ongoing maintenance costs.

3 Repairs and Renewals Fund

3.1 The balance on the fund at 31 March 2018 was £31,057.

| | £ |
|--|---------------|
| Balance brought forward 1 April 2017 | 35,860 |
| Contributions 2017/18 | 0 |
| Payments made in 2017/18 | (5,000) |
| Sub Total | 30,860 |
| Interest on balance (0.64% interest rate) | 197 |
| Balance carried forward 31 March 2018 | 31,057 |

4 Financial Implications

4.1 The working balance stood at £49,585 as at 31 March 2018 (£52,816 as at 31 March 2017).

4.2 The balance sheet debtor is Epsom and Ewell Borough Council who holds the working balance and renewals fund reserve. The Council credits interest on these sums to the Conservators' account on the average return on the Council's investments for 2017/18 at 0.64%.

5 Internal Audit

- 5.1 The following comprises the review of the effectiveness of internal audit arrangements for the current year.
- 5.2 All financial transactions are processed through Epsom and Ewell Borough Council's financial systems and transactions recorded on the Council's financial management system.
- 5.3 RSM UK have been appointed by Epsom and Ewell Borough Council to provide internal audit services to the Council and to audit the financial statements of 'smaller bodies'.
- 5.4 RSM UK prepares a risk based audit strategy and an annual audit plan, which covers all of the Council's core financial systems.
- 5.5 The Audit Plan is submitted annually to Epsom and Ewell Borough Council's Audit, Crime & Disorder & Scrutiny Committee who act as an Audit Committee under the Council's constitution.
- 5.6 The Audit, Crime & Disorder & Scrutiny Committee receive quarterly audit progress reports and a year-end Assurance Report.
- 5.7 The role and scope of internal audit can be extracted from the annual assurance report prepared for Epsom and Ewell Borough Council. An updated annual assurance report will be available following the next Audit, Crime & Disorder & Scrutiny Committee meeting on 19 June 2018.
- 5.8 RSM UK audit plan includes provision to review smaller bodies accounts and financial statements, including Epsom and Walton Downs Conservators' accounts.
- 5.9 RSM UK Internal Audit Contract Manager makes the appropriate arrangements for the smaller body accounts to be checked and signed off for page 3 of the Annual Governance and Accountability Return.

6 Annual Governance and Accountability Return

- 6.1 Smaller Bodies in England must complete an annual return, now known as the Annual Governance and Accountability Return (AGAR) to the appointed External Auditor. PKF Littlejohn LLP have been appointed as the auditor to all relevant smaller authorities in Surrey for 5 years from 2017/18. The AGAR for the year ending 31 March 2018 is attached at **Annex 3**.
- 6.2 Each smaller authority is required by law:
 - 6.2.1 To prepare Accounting Statements for the year ended 31 March 2018 in the form required by proper practices (the relevant AGAR, Part 1, 2 or 3)

6.2.2 To approve and publish the AGAR including Accounting Statements

6.2.3 To provide for the exercise of public rights

6.2.4 To publish the AGAR, including the signed external auditor report, by 30 September 2018.

6.3 With regard to the AGAR, the Conservators will note that:-

6.3.1 The detailed budget is submitted to the Conservators each year prior to contributions being levied from constituent bodies.

6.3.2 Officers monitor the account as part of the Council's budget monitoring arrangements with quarterly monitoring reports and monthly reviews of major variances.

6.3.3 The Treasurer presents a mid-year monitoring report to the Conservators.

6.3.4 The Treasurer presents a year-end report to the Conservators.

6.3.5 All transactions are subject to the Council's financial management and internal control arrangements.

6.3.6 The Council's financial processes and operational activity are subject to risk profile as part of the audit needs assessment.

7 Issues arising from the previous Audit of the Accounts for the year ended 31 March 2017

7.1 The external auditors carry out a review of the financial returns and identify areas where changes are required.

7.2 BDO LLP completed the audit of the accounts for the year ended 31 March 2017. The audit report is published annually on the Council's website at <https://www.epsom-ewell.gov.uk/financialreports>.

7.3 As a result of the audit, no changes were required to the financial position for 2016/17 as reported in July 2017.

7.4 The auditor highlighted the following issues, which Officers are ensuring are rectified for 2017/18:

- EWDC's accounting statements must be approved by the Conservators and signed by the Chairman by 30 June.
- A minute reference for the approval must be entered into Section 1 and 2 of the accounting statements, to enable the period for the exercise of electors' rights to include the first 10 working days of July.

- Standard information, including a bank reconciliation, date of electors' rights and explanations of variances must be submitted to the auditor alongside the initial submission.

8 Risk Assessment

- 8.1 The working balance of £49,585 at the year-end is approximately 13% of net expenditure and is considered adequate for meeting unforeseen expenditure. The Conservators will need to assess further withdrawals from the working balance to ensure sufficient funds are available.
- 8.2 An updated Risk Register was provided at the meeting on 4 October 2017.

9 Proposals

- 9.1 It is proposed that:-
- 9.1.1 The final accounts for 2017/18 be received
 - 9.1.2 The Conservators approve the Annual Governance Statement
 - 9.1.3 The Conservators approve the Accounting Statements
 - 9.1.4 The Conservators confirm that the arrangements for internal audit as set out in this report are effective for the purpose of the Committee.
 - 9.1.5 The Chairman and Clerk be authorised to sign the Annual Governance Statement.
- 9.2 Any significant changes to figures following external audit will be reported back to the Conservators.

Ward(s) Affected: College Ward; Woodcote Ward;

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2017/18 Cost Centre Accounts

| 2016/17 Actual | | 2017/18 Budget | Forecast 2017/18 | 2017/18 ACTUAL |
|----------------|--|----------------|------------------|----------------|
| £ | | £ | | £ |
| | Grounds Maintenance | | | |
| 890 | Maintenance of Grounds | 600 | 600 | 48 |
| 0 | Car Park Repairs | 1,000 | 2,000 | 2,235 |
| 0 | EWDC Grounds/Warren Woodland | 11,100 | 0 | 0 |
| 3,250 | Tree Maintenance Schedule | 4,180 | 4,180 | 3,554 |
| 0 | Transport and Plant repairs & mntce. | 1,000 | 200 | 0 |
| 8,969 | Fuel | 9,000 | 8,235 | 9,902 |
| 0 | Spot hire of vehicles | 1,000 | 2,380 | 2,502 |
| 0 | Transport fleet recharge | 0 | 1,801 | 0 |
| 2,400 | Transport Insurance recharge | 2,500 | 1,715 | 1,715 |
| 2,657 | Hire of paladins | 2,560 | 2,560 | 2,560 |
| 0 | Disposal of Waste | 0 | 1,142 | 1,142 |
| 27,030 | EWDC Grounds/Transport fleet SLA NJMC | 28,000 | 28,000 | 28,000 |
| 45,196 | Sub-Total | 60,940 | 52,813 | 51,657 |
| | Keepers Hut | | | |
| 0 | Maintenance of grounds | 0 | 32 | 39 |
| 0 | Water main remedial works | 0 | 6,500 | 6,500 |
| 1,513 | Kier engineering and fab | 1,240 | 1,240 | 1,525 |
| 0 | Building and M&E maintenance | 500 | 200 | 0 |
| 1,430 | Electricity | 1,500 | 1,500 | 1,518 |
| 726 | Rates | 730 | 734 | 734 |
| 0 | Water dispenser costs | 0 | 529 | 603 |
| 146 | TV Licence | 150 | 147 | 147 |
| 0 | General office expenses | 160 | 50 | 0 |
| 945 | Insurance recharges | 900 | 937 | 937 |
| 4,759 | Sub-Total | 5,180 | 11,869 | 12,002 |
| | Central Expenses | | | |
| 1,317 | Employee costs - Overtime | 0 | 0 | 0 |
| 28,000 | Additional pension contribution | 30,000 | 30,000 | 28,000 |
| 1,500 | Contribution to Repairs& Renewals Fund | 1,500 | -5,000 | -5,000 |
| 0 | Purchase of memorials | 0 | 0 | 250 |
| 873 | Clothing & uniforms | 600 | 789 | 1,111 |
| 900 | External Audit | 1,000 | 1,000 | 1,074 |
| 486 | Conservation expenses | 0 | 0 | 0 |
| 1,272 | Miscellaneous expenses | 1,000 | 600 | 416 |
| 2,084 | General office expenses | 2,000 | 500 | 565 |
| 18,568 | VAT payments | 15,000 | 18,000 | 18,563 |
| 222,000 | OS SLA recovery EWDC | 226,440 | 226,440 | 226,440 |
| 27,548 | Management costs SLA rec | 28,150 | 28,150 | 28,150 |
| 1,155 | Insurance | 1,100 | 1,145 | 1,145 |
| 684 | Internal audit | 500 | 500 | 506 |
| 306,387 | Sub-Total | 307,290 | 302,124 | 301,220 |
| | Derby Travellers Caravan Site | | | |
| 5,530 | Contract Payments | 5,700 | 4,485 | 4,485 |
| 5,530 | Sub-Total | 5,700 | 4,485 | 4,485 |
| | Tattenham Corner conveniences | | | |
| 0 | Planned Maintenance costs | 590 | 0 | 590 |
| 1,054 | Vandalism Repairs | 0 | 538 | 669 |
| 817 | Kier Engineering and fabric recharges | 670 | 670 | 824 |

Agenda Item 9 Annex 1

| 2016/17 Actual | | 2017/18 Budget | Forecast 2017/18 | 2017/18 ACTUAL |
|-----------------|--------------------------------------|-----------------|------------------|-----------------|
| £ | | £ | | £ |
| 48 | Building and M&E maintenance | 2,000 | 1,000 | 389 |
| 10,677 | Kier Cleaning contract recharges | 10,070 | 10,070 | 10,761 |
| 1,509 | Electricity | 800 | 1,672 | 2,673 |
| 3,388 | Business Rates | 3,430 | 3,430 | 2,982 |
| 198 | Water Charges | 400 | 300 | 1,811 |
| 1,575 | Insurance recharges | 1,600 | 1,666 | 1,666 |
| 19,266 | Sub-Total | 19,560 | 19,346 | 22,365 |
| | | | | |
| 381,138 | Gross Expenditure | 398,670 | 390,637 | 391,729 |
| | Income: | | | |
| 0 | Other government grant income | -11,100 | 0 | 0 |
| -3,535 | Hire charges | -4,000 | -4,610 | -5,782 |
| -1,839 | Interest on Balances | -2,400 | -2,400 | -1,906 |
| -1,040 | Misc. income | -500 | -500 | -1,000 |
| -6,414 | Income | -18,000 | -7,510 | -8,688 |
| | | | | |
| 374,723 | Net Expenditure | 380,670 | 383,127 | 383,040 |
| | | | | |
| | Precepts: | | | |
| -222,770 | Borough Council | -227,890 | -227,890 | -227,890 |
| -37,130 | Training Board | -37,980 | -37,980 | -37,980 |
| -111,380 | Epsom Racecourse | -113,940 | -113,940 | -113,940 |
| -371,280 | | -379,810 | -379,810 | -379,810 |
| | | | | |
| 3,443 | Surplus (-) / Deficit in Year | 860 | 3,317 | 3,230 |
| | | | | |
| 56,259 | Balance b/fwd 1 April | 52,816 | 52,816 | 52,816 |
| 52,816 | Balance c/fwd 31 March | 51,956 | 49,499 | 49,585 |

Financial Statements 2017/18 (Subject to Audit)

EPSOM AND WALTON DOWNS CONSERVATORS
REVENUE ACCOUNT FOR THE YEAR ENDED 31 MARCH 2018

| | 2016/17 £'000 | 2017/18 £'000 |
|---|------------------|------------------|
| Income:- | | |
| Interest on Balances | 2 | 2 |
| Other Income | 5 | 7 |
| Epsom and Ewell Borough Council Precept | 223 | 228 |
| Epsom Down Racecourse Precept | 111 | 114 |
| Epsom and Walton Downs training Board Precept | 37 | 38 |
| | 378 | 388 |
| Expenditure:- | | |
| Employees | 28 | 28 |
| Premises | 25 | 37 |
| Transport | 13 | 9 |
| Suppliers and Services | 27 | 26 |
| Third Party Payments | 6 | 4 |
| Support Services | 282 | 287 |
| | 381 | 392 |
| Surplus for the year | -3 | -3 |
| Balance Brought Forward at 1 April | 56 | 53 |
| Balance Carried Forward at 31 March | 53 | 49 |

Financial Statements 2017/18

EPSOM AND WALTON DOWNS CONSERVATORS
BALANCE SHEET AS AT 31 MARCH 2018

| 31 March 2017 | | | 31 March 2018 | |
|---------------|-----------|----------------------------------|---------------|-----------|
| £'000 | £'000 | | £'000 | £'000 |
| | 0 | FIXED ASSETS | | |
| | | Plant and Equipment | | 0 |
| | | CURRENT ASSETS | | |
| 0 | | Debtors (General) | 0 | |
| 108 | | Debtors (Epsom and Ewell B.C.) | 112 | |
| 108 | | | 112 | |
| | | LESS: CURRENT LIABILITIES | | |
| 19 | 89 | Creditors | 31 | 81 |
| | 89 | | | 81 |
| | | Represented By:- | | |
| | | RESERVES | | |
| | 36 | Repairs and Renewals Fund | | 31 |
| | 53 | Revenue Balance | | 50 |
| | 89 | | | 81 |

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To be completed by:

- **all smaller authorities* where either the higher of gross income or gross expenditure exceeded £25,000 but did not exceed £6.5 million; and**
- **any other smaller authorities that either:**
 - **are unable to certify themselves as exempt; or**
 - **have requested a limited assurance review.**

Guidance notes on completing Part 3 of the Annual Governance and Accountability Return 2017/18

1. Every smaller authority in England that either received gross income or incurred gross expenditure exceeding £25,000 **must** complete Part 3 of the Annual Governance and Accountability Return at the end of each financial year in accordance with Proper Practices.
2. **The Annual Governance and Accountability Return is made up of three parts, pages 3 to 6:**
 - The **annual internal audit report** is completed by the authority's internal auditor.
 - **Sections 1 and 2** are to be completed and approved by the authority.
 - **Section 3** is completed by the external auditor and will be returned to the authority.
3. The authority **must** approve Section 1, Annual Governance Statement, before approving Section 2, Accounting Statements, and both **must** be approved **before 2 July 2018**.
4. An authority with either gross income or gross expenditure exceeding £25,000 or an authority with neither income nor expenditure exceeding £25,000, but which is unable to certify itself as exempt, or requesting a limited assurance review, **must** send to the external auditor:
 - the Annual Governance and Accountability Return Sections 1, 2 and 3, together with
 - a bank reconciliation as at 31 March 2018
 - an explanation of any significant year on year variances in the accounting statements
 - your notification of the commencement date of the period for the exercise of public rights
 - Annual Internal Audit Report 2017/18

Unless requested, do not send any original records to your external auditor. Your external auditor will ask for any additional documents needed.

Once the external auditor has completed and is able to give an opinion on the limited assurance review, the Annual Governance and Accountability Return including **Section 3 – External Auditor Report and Certificate** will be returned to the authority.

Publication Requirements

Smaller authorities with either income or expenditure exceeding £25,000 **must** publish on a public website, under the Accounts and Audit Regulations 2015, the Annual Governance and Accountability Return:

- **Section 1 – Annual Governance Statement 2017/18, page 4**
- **Section 2 – Accounting Statements 2017/18, page 5**
- **Section 3 – The External Auditor Report and Certificate 2017/18, page 6**
- Notice of the period for the exercise of public rights and other information required by Regulation 15 (2), Accounts and Audit Regulations 2015.

It is recommended as best practice, to avoid any potential confusion by local electors and interested parties, that you also publish the Annual Internal Audit Report, page 3.

The Annual Governance and Accountability Return constitutes the annual return referred to in the Accounts and Audit Regulations 2015. Throughout, the words 'external auditor' have the same meaning as the words 'local auditor' in the Accounts and Audit Regulations 2015.

*for a complete list of bodies that may be smaller authorities refer to schedule 2 to Local Audit and Accountability Act 2014.

Guidance notes on completing Part 3 of the Annual Governance and Accountability Return 2017/18

- The authority **must** comply with *Proper Practices* in completing Sections 1 and 2 of this Annual Governance and Accountability Return. *Proper Practices* are found in the *Practitioners' Guide** which is updated from time to time and contains everything needed to prepare successfully for the financial year-end and the subsequent work by the external auditor.
- Make sure that the Annual Governance and Accountability Return is complete (i.e. no empty highlighted boxes), and is properly signed and dated. Avoid making amendments to the completed Annual Governance and Accountability Return. Any amendments must be approved by the authority, properly initialled and accompanied by an explanation. If the Annual Governance and Accountability Return contains unapproved or unexplained amendments, it may be returned and additional costs will be incurred.
- The authority **should** receive and note the annual internal audit report prior to approving the annual governance statement and before approving the accounts.
- Use the checklist provided below to review the Annual Governance and Accountability Return for completeness before sending it to the external auditor.
- Do not send the external auditor any information not specifically requested. However, you **must** inform your external auditor about any change of Clerk, Responsible Finance Officer or Chairman, and provide relevant email addresses and telephone numbers.
- Make sure that the copy of the bank reconciliation to be sent to your external auditor with the Annual Governance and Accountability Return covers all the bank accounts. If the authority holds any short-term investments, note their value on the bank reconciliation. The external auditor must be able to agree the bank reconciliation to Box 8 on the accounting statements (**Section 2, page 5**). An explanation **must** be provided of any difference between Box 7 and Box 8. More help on bank reconciliation is available in the *Practitioners' Guide**.
- Explain fully significant variances in the accounting statements on **page 5**. Do not just send a copy of the detailed accounting records instead of this explanation. The external auditor wants to know that you understand the reasons for all variances. Include complete numerical and narrative analysis to support the explanation.
- If the external auditor has to review unsolicited information, or receives an incomplete bank reconciliation, or variances are not fully explained, additional costs will be incurred.
- Make sure that the accounting statements add up and that the balance carried forward from the previous year (Box 7 of 2017) equals the balance brought forward in the current year (Box 1 of 2018).
- Please enter the authority's name **only** in Section 3 on Page 6. **Do not complete the remainder of that section**, which is reserved for the external auditor.
- The Responsible Financial Officer (RFO), on behalf of the authority, **must** set the commencement date for the exercise of public rights. From the commencement date for a single period of 30 consecutive working days, the accounts and accounting records can be inspected. Whatever period the RFO sets it **must** include a common inspection period – during which the accounts and accounting records of all smaller authorities must be available for public inspection – of the first ten working days of July.
- The authority **must** publish the information required by Regulation 15 (2), Accounts and Audit Regulations 2015, including the period for the exercise of public rights and the name and address of the external auditor.

| Completion checklist – 'No' answers mean you may not have met requirements | | Yes | No |
|--|--|-----|----|
| All sections | Have all highlighted boxes have been completed? | | |
| | Has all additional information requested, including the dates set for the period for the exercise of public rights , been provided for the external auditor? | | |
| Internal Audit Report | Have all highlighted boxes have been completed by the internal auditor and explanations provided? | | |
| Section 1 | For any statement to which the response is 'no', is an explanation provided? | YES | |
| Section 2 | Has the authority's approval of the accounting statements been confirmed by the signature of the Chairman of the approval meeting? | | |
| | Has an explanation of significant variations from last year to this year been provided? | | |
| | The bank reconciliation as at 31 March 2018 is agreed to Box 8? | | |
| Sections 1 and 2 | Has an explanation of any difference between Box 7 and Box 8 been provided? | | |
| | Trust funds – have all disclosures been made if the authority is a sole managing trustee? NB: do not send trust accounting statements unless requested or instructed. | | |

*More guidance on completing this annual return is available in **Governance and Accountability for Smaller Authorities in England – a Practitioners' Guide to Proper Practices**, which can be downloaded from www.nalc.gov.uk or from www.slcc.co.uk or from www.ada.org.uk

EPSOM AND WALTON DOWNS CONSERVATORS

This authority's internal auditor, acting independently and on the basis of an assessment of risk, carried out a selective assessment of compliance with relevant procedures and controls to be in operation during the financial year ended 31 March 2018.

The internal audit for 2017/18 has been carried out in accordance with this authority's needs and planned coverage. On the basis of the findings in the areas examined, the internal audit conclusions are summarised in this table. Set out below are the objectives of internal control and alongside are the internal audit conclusions on whether, in all significant respects, the control objectives were being achieved throughout the financial year to a standard adequate to meet the needs of this authority.

| Internal control objective | Agreed? Please choose one of the following | | |
|--|--|-----|---------------|
| | Yes | No* | Not covered** |
| A. Appropriate accounting records have been properly kept throughout the financial year. | ✓ | | |
| B. This authority complied with its financial regulations, payments were supported by invoices, all expenditure was approved and VAT was appropriately accounted for. | ✓ | | |
| C. This authority assessed the significant risks to achieving its objectives and reviewed the adequacy of arrangements to manage these. | ✓ | | |
| D. The precept or rates requirement resulted from an adequate budgetary process; progress against the budget was regularly monitored; and reserves were appropriate. | ✓ | | |
| E. Expected income was fully received, based on correct prices, properly recorded and promptly banked; and VAT was appropriately accounted for. | ✓ | | |
| F. Petty cash payments were properly supported by receipts, all petty cash expenditure was approved and VAT appropriately accounted for. | | | N/A |
| G. Salaries to employees and allowances to members were paid in accordance with this authority's approvals, and PAYE and NI requirements were properly applied. | ✓ | | |
| H. Asset and investments registers were complete and accurate and properly maintained. | | | N/A |
| I. Periodic and year-end bank account reconciliations were properly carried out. | ✓ | | |
| J. Accounting statements prepared during the year were prepared on the correct accounting basis (receipts and payments or income and expenditure), agreed to the cash book, supported by an adequate audit trail from underlying records and where appropriate debtors and creditors were properly recorded. | ✓ | | |

| K. (For local councils only) | Yes | No | Not applicable |
|---|-----|----|----------------|
| Trust funds (including charitable) – The council met its responsibilities as a trustee. | | | ✓ |

For any other risk areas identified by this authority adequate controls existed (list any other risk areas on separate sheets if needed).

Date(s) internal audit undertaken

24/05/18

Name of person who carried out the internal audit

Miss Christine

Signature of person who carried out the internal audit

Christine

Date

24/05/18

*If the response is 'no' please state the implications and action being taken to address any weakness in control identified (add separate sheets if needed).

**Note: If the response is 'not covered' please state when the most recent internal audit work was done in this area and when it is next planned, or, if coverage is not required, the annual internal audit report must explain why not (add separate sheets if needed).

We acknowledge as the members of:

EPSOM AND WALTON E DOWNNS AU CONSERVATORS

our responsibility for ensuring that there is a sound system of internal control, including arrangements for the preparation of the Accounting Statements. We confirm, to the best of our knowledge and belief, with respect to the Accounting Statements for the year ended 31 March 2018, that:

| | Agreed | | 'Yes' means that this authority: |
|---|--------|-----|---|
| | Yes | No* | |
| 1. We have put in place arrangements for effective financial management during the year, and for the preparation of the accounting statements. | YES | | prepared its accounting statements in accordance with the Accounts and Audit Regulations. |
| 2. We maintained an adequate system of internal control including measures designed to prevent and detect fraud and corruption and reviewed its effectiveness. | YES | | made proper arrangements and accepted responsibility for safeguarding the public money and resources in its charge. |
| 3. We took all reasonable steps to assure ourselves that there are no matters of actual or potential non-compliance with laws, regulations and Proper Practices that could have a significant financial effect on the ability of this authority to conduct its business or manage its finances. | YES | | has only done what it has the legal power to do and has complied with Proper Practices in doing so. |
| 4. We provided proper opportunity during the year for the exercise of electors' rights in accordance with the requirements of the Accounts and Audit Regulations. | | NO | during the year gave all persons interested the opportunity to inspect and ask questions about this authority's accounts. |
| 5. We carried out an assessment of the risks facing this authority and took appropriate steps to manage those risks, including the introduction of internal controls and/or external insurance cover where required. | YES | | considered and documented the financial and other risks it faces and dealt with them properly. |
| 6. We maintained throughout the year an adequate and effective system of internal audit of the accounting records and control systems. | YES | | arranged for a competent person, independent of the financial controls and procedures, to give an objective view on whether internal controls meet the needs of this smaller authority. |
| 7. We took appropriate action on all matters raised in reports from internal and external audit. | YES | | responded to matters brought to its attention by internal and external audit. |
| 8. We considered whether any litigation, liabilities or commitments, events or transactions, occurring either during or after the year-end, have a financial impact on this authority and, where appropriate, have included them in the accounting statements. | YES | | disclosed everything it should have about its business activity during the year including events taking place after the year end if relevant. |
| 9. (For local councils only) Trust funds including charitable. In our capacity as the sole managing trustee we discharged our accountability responsibilities for the fund(s)/assets, including financial reporting and, if required, independent examination or audit. | Yes | No | N/A |
| | | | N/A |

*Please provide explanations to the external auditor on a separate sheet for each 'No' response. Describe how the authority will address the weaknesses identified.

This Annual Governance Statement is approved by this authority and recorded as minute reference:

MINUTE REFERENCE
dated DD/MM/YY

Signed by the Chairman and Clerk of the meeting where approval is given:

Chairman SIGNATURE REQUIRED
Clerk SIGNATURE REQUIRED

Other information required by the Transparency Codes (not part of Annual Governance Statement)
Authority web address
www.epsom-ewell.gov.uk WEBSITE ADDRESS

EPSOM AND WALTON DOWNS CONSERVATORS

| | Year ending | | Notes and guidance |
|---|--------------------|--------------------|---|
| | 31 March 2017 £ | 31 March 2018 £ | |
| 1. Balances brought forward | 90,272 | 88,675 | Total balances and reserves at the beginning of the year as recorded in the financial records. Value must agree to Box 7 of previous year. |
| 2. (+) Precept or Rates and Levies | 371,280 | 379,810 | Total amount of precept (or for IDBs rates and levies) received or receivable in the year. Exclude any grants received. |
| 3. (+) Total other receipts | 6,761 | 8,886 | Total income or receipts as recorded in the cashbook less the precept or rates/levies received (line 2). Include any grants received. |
| 4. (-) Staff costs | 28,000 | 28,000 | Total expenditure or payments made to and on behalf of all employees. Include salaries and wages, PAYE and NI (employees and employers), pension contributions and employment expenses. |
| 5. (-) Loan interest/capital repayments | 0 | 0 | Total expenditure or payments of capital and interest made during the year on the authority's borrowings (if any). |
| 6. (-) All other payments | 351,638 | 368,729 | Total expenditure or payments as recorded in the cash-book less staff costs (line 4) and loan interest/capital repayments (line 5). |
| 7. (=) Balances carried forward | 88,675 | 80,642 | Total balances and reserves at the end of the year. Must equal (1+2+3) - (4+5+6). |
| 8. Total value of cash and short term investments | 108,143 | 111,689 | The sum of all current and deposit bank accounts, cash holdings and short term investments held as at 31 March – To agree with bank reconciliation. |
| 9. Total fixed assets plus long term investments and assets | 0 | 0 | The value of all the property the authority owns – it is made up of all its fixed assets and long term investments as at 31 March. |
| 10. Total borrowings | 0 | 0 | The outstanding capital balance as at 31 March of all loans from third parties (including PWLB). |
| 11. (For Local Councils Only) Disclosure note re Trust funds (including charitable) | Yes | No | The Council acts as sole trustee for and is responsible for managing Trust funds or assets. |
| | | | N.B. The figures in the accounting statements above do not include any Trust transactions. |

I certify that for the year ended 31 March 2018 the Accounting Statements in this Annual Governance and Accountability Return present fairly the financial position of this authority and its income and expenditure, or properly present receipts and payments, as the case may be.

Signed by Responsible Financial Officer

BT Bradley

Date

30/05/18

I confirm that these Accounting Statements were approved by this authority on this date:

DDMMYY

and recorded as minute reference:

MINUTE REFERENCE

Signed by Chairman of the meeting where approval of the Accounting Statements is given

SIGNATURE REQUIRED

In respect of

ENTER NAME OF AUTHORITY

1 Respective responsibilities of the body and the auditor

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 2018; and
- confirms and provides assurance on those matters that are relevant to our duties and responsibilities as external auditors.

Our responsibility is to review Sections 1 and 2 of the Annual Governance and Accountability Return in accordance with guidance issued by the National Audit Office (NAO) on behalf of the Comptroller and Auditor General (see note below). Our work **does not** constitute an audit carried out in accordance with International Standards on Auditing (UK & Ireland) and **does not** provide the same level of assurance that such an audit would do.

2 External auditor report 2017/18

(Except for the matters reported below)* on the basis of our review of Sections 1 and 2 of the Annual Governance and Accountability Return, in our opinion the information in Sections 1 and 2 of the Annual Governance and Accountability Return 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. (*delete as appropriate).

(continue on a separate sheet if required)

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

(continue on a separate sheet if required)

3 External auditor certificate 2017/18

We certify/do not 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 2018.

*We do not certify completion because:

External Auditor Name

ENTER NAME OF EXTERNAL AUDITOR

External Auditor Signature

SIGNATURE REQUIRED

Date

DD/MM/YY

*Note: the NAO issued guidance applicable to external auditors' work on limited assurance reviews for 2017/18 in Auditor Guidance Note AGN/02. The AGN is available from the NAO website (www.nao.org.uk)

HACK RIDING MAP

Head of Service/Contact: Amardip Healy, Chief Legal Officer

Annexes/Appendices (attached): **Annex 1** – Hack Riding Map

Other available papers (not attached):

Report summary

To review and approve the new Hack Riding Map which will be used to educate horse riders on where to ride on Epsom and Walton Downs.

Recommendation (s)

- (1) That the Conservators review and approve the new Hack Riding Map
- (2) That once approved, permission is granted to publish the map on the website and for the map to be used to produce a hack riding leaflet, in consultation with the Downskeepers, Gallops staff and Hack Riding representatives.

1 Background

- 1.1 Hack riding is one of the most popular activities enjoyed on the Downs. Whilst many hack riders are familiar with the area and rules governing where they are allowed to ride, a number of riders appear to be unclear and tend to stray into areas or tracks that are designated for racehorses or that cannot be used before midday.
- 1.2 Although maps are currently displayed on large signs the Downs and on the Council's website, the Conservators have previously agreed that that it would be helpful to have a map which was tailored specifically for hack riders.
- 1.3 Working in conjunction with Downskeepers, Gallops staff and the Hack Riders representatives to the Epsom and Walton Downs Consultative Committee, a map has now been produced that will make hack riding on the Downs easier to navigate. This is attached as **Annex 1**.
- 1.4 Whilst the new map is based on the signed map which accompanies the Epsom and Walton Downs Regulation Act 1984, the hack riding map has been slightly simplified and is more graphical.

2 Proposals

- 2.1 The map is now at a final draft stage and officers seek permission from the Conservators to approve this draft before the map is published on the website and made into a leaflet, which will be distributed to local livery stables and made available at the Downskeeper's Hut and Town Hall.
- 2.2 The Downskeepers will also keep copies of the leaflet in their patrol vehicle to give out to horse riders whilst patrolling the Downs. The leaflets will be particularly helpful when the Downskeepers witness encroachment of the gallops areas and other breaches of the byelaws as they can be used to initiate a conversation and educate horse riders of the regulations, which govern this unique area.

3 Financial and Manpower Implications

- 3.1 There will be some further officer time required to produce the final leaflet, which will be completed in conjunctions with the Downskeepers, Gallops staff and the Hack Riders representatives.
- 3.2 There will be some costs involved in the production of the leaflet, which will be absorbed from existing budgets.
- 3.3 There will be some labour required in delivering the leaflets to local livery yards.
- 3.4 **Chief Finance Officer's comments:** The costs of producing and distributing the leaflets will be monitored as part of our regular monthly reviews. The next mid-year budget monitoring report is due in October 2018.

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

- 4.1 Whilst based on the signed map, which accompanies the Epsom & Walton Downs Regulation Act 1984, this map has been simplified and shows recommended routes for hack riders, which may slightly deviate from the signed map for reasons of safety or practicality.
- 4.2 **Monitoring Officer's comments:** The new map provides clear information for hack riders and takes into account the necessary deviations from the signed map

5 Sustainability Policy and Community Safety Implications

- 5.1 This map has been designed to ensure safety of all users of the Downs and to ensure sustainability of horse racing industry, which could be compromised if unauthorised encroachment of the designated training areas and tracks is permitted.

6 Partnerships

- 6.1 This is a partnership project involving consultation with the Downskeepers, Gallops staff and Hack Riding representatives.

7 Risk Assessment

- 7.1 Failure to educate hack riders on the correct use of the Downs carries a risk to both the safety and sustainability of the area as one of the largest centres for racehorse training in the country.

8 Conclusion and Recommendations

- 8.1 It is recommended that the Conservators review and approve the new hack riding map.
- 8.2 That once approved, permission is granted to publish the map on the website and for the map to be used to produce a hack riding leaflet, in consultation with the Downskeepers, Gallops staff and Hack Riding representatives.

Ward(s) Affected: College Ward; Woodcote Ward;

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Epsom and Walton Downs Hack riding

Key

-  Public bridleway
-  Hack ride
-  Hack ride (afternoon only)
-  Hack ride (currently closed)
-  Hack area
-  Access to hack riders at discretion of the Training Grounds Management Board
-  Dual use hack area and car park
-  Training gallop (no public riding allowed)
-  Racecourse (no riding)
-  Public roads
-  Car park
-  Boundary of the Downs
-  Downs Keeper's Hut
01372 722931
-  Horse crossing



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FORWARD PLAN FOR CONSERVATORS' ITEMS

Head of Service/Contact: Amardip Healy, Chief Legal Officer

Annexes/Appendices (attached): **Annex 1** - Forward Plan 2018/19

Other available papers (not attached): none

Report summary

This report set out a list of anticipated reports to be considered by the Conservators and the meeting to which it is intended the matters be reported.

Recommendation (s)

(1) That the Conservators note the forward plan for items.

1 Background

1.1 The forward plan for Conservators items will be updated and reported to each meeting. It is intended to provide members with an overview on upcoming reports.

2 Proposals

2.1 A forward plan of anticipated reports is attached at **Annex 1**.

3 Financial and Manpower Implications

3.1 There are no direct financial or manpower implications for the purposes of this report.

3.2 **Chief Finance Officer's comments:** None for the purposes of this report.

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

4.1 There are no direct implications for the purposes of this report.

5 Sustainability Policy and Community Safety Implications

5.1 There are no implications for the purposes of this report.

6 Risk Assessment

- 6.1 Good planning facilitates timely effective decision-making in the achievement of the Conservators' targets.

7 Conclusion and Recommendations

- 7.1 The Conservators are asked to note the forward plan for items set out in **Annex 1**, which will be reported regularly to the Conservators and updated as necessary.

Ward(s) Affected: College Ward; Woodcote Ward;

EPSOM AND WALTON DOWNS CONSERVATORS FORWARD PLAN

October 2018

Review of fee for metal detecting licenses

Review of fees for events on the Downs

Review of fees for memorial policy for the Downs

Mid-year budget monitoring report

Proposed events on the Downs

Head Downskeeper's Report

January 2019

Budget and precepts 2019/20

Epsom Downs racing season 2019 – approvals Capital Programme

Head Downskeeper's Report

March 2019

Proposed events on the Downs

Head Downskeeper's Report

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