

EPSOM AND WALTON DOWNS CONSERVATORS

Monday 28 January 2019 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. MINUTES OF PREVIOUS MEETING (Pages 3 - 8)

The Conservators are asked to confirm as a true record the Minutes of the Conservators' Meeting held on 8 October 2018 (attached) and to authorise the Chairman to sign them.

2. MATTERS ARISING FROM PREVIOUS MEETINGS & OTHER ITEMS OF INTEREST (Pages 9 - 10)

The Conservators are asked to note the current situation on issues raised previously. Updates on the following matters are provided: Maintenance of the hack sand track at the foot of Walton Downs; Bid for European Agricultural Fund for Rural Development funding (EAFRD).

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

This report provides the Conservators with an update on items considered by the Epsom and Walton Downs Training Grounds Management Board. Updates on the following matters are provided: Epsom trained winners; Jockey Club Estates website; Racing post article.

4. REPORT OF THE HEAD DOWNSKEEPER (Pages 13 - 14)

This report presents the Head Downskeeper's update to the Conservators. It includes: recent events on the Downs, staffing, incidents on the Golf Course and habitat projects.

5. BUDGET 2019/20 (Pages 15 - 20)

This report seeks approval for the 2019/20 budget and the recommended precepts on the constituent bodies.

6. EPSOM DOWNS RACING SEASON 2019 (Pages 21 - 28)

This report informs the Conservators of dates for race meetings in 2019 and presents a request from Epsom Downs Racecourse for consent for race meetings and extensions to the periods permitted for fencing, as required by the Epsom and Walton Downs Regulation Act 1984 and Epsom and Walton Downs Byelaws.

7. FORWARD PLAN FOR CONSERVATORS' ITEMS (Pages 29 - 30)

This report sets out a list of anticipated reports to be considered by the Conservators at future scheduled meetings.

**Minutes of the Meeting of the EPSOM AND WALTON DOWNS CONSERVATORS
held on 8 October 2018**

PRESENT -

Councillor Liz Frost (Chairman); Andrew Cooper (Epsom Downs Racecourse), Councillor Lucie Dallen, Councillor Robert Foote, Councillor Jan Mason, Nigel Whybrow (Epsom Downs Racecourse) and Councillor Clive Woodbridge.

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

Absent: Simon Durrant (Epsom Downs Racecourse), Councillor Rekha Bansil and Simon Dow (Horserace Betting Levy Board)

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

13 MINUTES OF PREVIOUS MEETING

The Minutes of the Meeting of the Epsom and Walton Downs Conservators held on 18 June 2018 were agreed as a true record and signed by the Chairman.

14 MATTERS ARISING FROM THE PREVIOUS MEETING

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

- a) **Maintenance of the hack sand track, foot of Walton Downs.** The Conservators received the update provided within the agenda, and were informed that officers had still not received a response to the correspondence sent to the Horserace Betting Levy Board in September 2018.

Following consideration, the Conservators noted the current situation on the issue.

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

The Conservators received an update on items considered by the Epsom and Walton Downs Training Grounds Management Board (TGMB). The following matters were included within the update: Refurbishment of Racing Welfare

properties, Number of horses in training and winners, Closure of 'hatched area' to hack riders, Langley Vale Woods car park, Vision for Epsom.

Following consideration, the Conservators noted the update on items considered at recent meetings of the TGMB.

16 REPORT OF THE HEAD DOWNSKEEPER

The Conservators received the report of the Head Downskeeper. The following matters were included within the report: Conservation work on Juniper Hill, Race meetings and Events, Winter Work Programme, Hack Riding Map. In addition to these matters, the following items were considered:

- a) **Chafer grub damage to grass on the Racecourse.** Following a question from a member of the Conservators, Andrew Cooper informed the meeting that damage to the grass surface of the Racecourse track caused by chafer grubs had led to the race meeting of 13 September 2018 being abandoned. The race meeting of 30 September 2018 had been held, but with all races being a mile or less, due to damage to the course between its 1.5 and 1.25 mile marks. The matter was being managed by the Racecourse.
- b) **Vandalism of Racecourse railings and starting stalls.** Andrew Cooper informed the Conservators that there had been a number of incidents of vandalism to the Racecourse railings and starting stalls over recent months. These had been reported to the Police.

Following consideration, the Conservators agreed to note the report of the Head Downskeeper.

17 PROPOSED EVENTS ON EPSOM DOWNS

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

The following matters were considered:

- a) **Number of participants at proposed Alzheimer's Society Memory Walk, 8 September 2019.** The Conservators expressed concern at the large number of participants proposed for this event. The Conservators considered that if approval were granted it should be capped at a maximum of 2,000 participants, which was the same number as permitted for the event held in 2018. The Conservators noted that there had been difficulties at the event in 2018, due to a lack of route marshals at some crossing points. This issue had been reported to the event organiser, who had responded that it would be addressed for the next event, if approved.
- b) **Proposed Serbia's Forgotten Paws charity dog walk, 31 October.** The Conservators considered that if approval were granted, that all dogs participating in this event should be kept on a lead whilst doing so. It was

also considered that the organiser should be required to request all participants clean up after their dog whilst on the Downs.

Following consideration, the Conservators:

- (1) Agreed to grant approval to hold the following events on the Downs:
 - Serbia's Forgotten Paws Charity Dog Walk (Wednesday 31 Oct 2018), subject to all dogs participating in the event being held on a lead whilst doing so, and the event organiser requesting all participants to clean-up after their dogs.
 - Surrey Mens Cross Country League (Saturday 10 November 2018)
 - Epsom & Ewell Harriers Boxing Day running event (Wednesday 26 Dec 2018)
 - The 80th Pioneer Run for Veteran Motorcycles (Sunday 24 March 2019)
 - First Stride Events Ltd (Sundays 30 Mar, 10 Nov 2019)
 - Rotary Club of Banstead Sponsored Walk (Sunday 5 May 2019)
 - Round the Borough Bike (Sunday 12 May 2019)
 - Cancer Research UK: Race For Life (Sunday 23 June 2019)
 - Round the Borough Hike (Saturday 7 Sept 2019)
 - Alzheimer's Society (Sunday 8 Sept 2019), subject to a cap of 2000 participants and improved marshalling of the course to address the issues experienced in 2018.
- (2) Noted the Calendar of Events for 2018/19.
- (3) Noted the fees and charges to be applied to each event subject to the event being approved.

18 REVIEW OF FEES AND CHARGES

The Conservators received a report providing a review of the fees and charges for events on the Downs, Metal Detecting Licenses and memorial items. It was noted that no changes to Metal Detecting Licenses were proposed.

Following consideration, the Conservators:

- (1) Approved the Fees and Charges for Events on the Downs at Annex 1 to the report.
- (2) Approved the Fees and Charges for Memorial Items on the Downs at Annex 2 to the report.

19 RURAL DEVELOPMENT GROWTH PROGRAMME FOR ENGLAND APPLICATION FOR FUNDING

The Conservators received a report seeking a budget of £6,300 in 2018/19 to support the development and submission of a full application for funding from the European Agricultural Fund for Rural Development (EAFRD) programme.

The following matters were considered:

- a) **Development of application – current position.** The Conservators were informed that an expression of interest had been submitted for EAFRD funding to support the development of visitor signage and appropriate visitor infrastructure on the Downs. This had been successful, and officers had been invited to submit a full application.

Officers would attend an EAFRD workshop at the end of October, and intended to submit a full application in early January 2019. Visual design for the project had not yet commenced, but would be a key element of the full application, as would confirmation of the project timeline and source of non-EAFRD funding contributions, amongst other elements. The Conservators were informed that the production of a full application was a significant piece of work, and that support from a consultant would be required to meet the submission deadline. The report proposed that £6,300 be utilised from the working balance in order to fund this work.

- b) **Consideration of Race Horse Trainers' views.** It was noted that the Horserace Betting Levy Board nominee (Mr Simon Dow) who represents Racehorse Trainers had been consulted with regard to the proposed scheme, and had expressed support for it. The further development of the project would be undertaken in consultation with Mr Dow.

Following consideration, the Conservators:

- (1) Noted the success of the Expression of Interest in the European Agricultural Fund for Rural Development (EAFRD).
- (2) Agreed to support the development of a full EAFRD application bid, based on the project identified within the Expression of Interest, subject to ongoing development and feasibility work.
- (3) Agreed to allocate a budget of £6,300 to develop the full application, to be funded from the working balance.
- (4) Agreed to seek support from the Jockey Club for the required private sector funding contribution of circa £7,500.
- (5) Agreed that the project revenue elements totalling a further £20,000, be funded from the working balance.

- (6) Agreed that an annual contribution to the working balance of £6,580 should be built into the draft 2019/20 budget, to replenish the working balance over a period of four years.

20 MID-YEAR BUDGET MONITORING REPORT

The Conservators received a report advising them of income and expenditure in 2018/19 as at 31 August 2018, and seeking guidance on the preparation of the budget and precept for 2019/20. An updated Risk Register for the Downs for 2018/19 was also presented.

Following consideration, the Conservators:

- (1) Agreed to note the mid-year income and expenditure position as at 31 August 2018;
- (2) Agreed to note the guidance detailed in paragraph 3.5 of the report with regard to the increase in precept contributions for 2019-20;
- (3) Agreed to note the 2018/19 Risk Register for the Downs.

21 EPSOM AND WALTON DOWNS CONSULTATIVE COMMITTEE

The Conservators received a report presenting the Minutes of the meeting of the Epsom and Walton Downs Consultative Committee held on 17 September 2018.

Following consideration, the Conservators

- (1) Noted the Minutes of the meeting of the Epsom and Walton Downs Consultative Committee held on 17 September 2018.

22 DATE OF MEETINGS IN 2019

The Conservators received a report presenting dates for meetings in 2019.

Following consideration, the Conservators:

- (1) Agreed to hold their first two meetings in 2019 on the following dates:
 - Monday 21 January 2019 at 18.00 hours
 - Monday 15 April 2019 at 18.00 hours

Note: Following the meeting it was agreed in consultation with the Chairman to reschedule the meeting on 21 January 2019 to 28 January 2019, due to an unforeseen clash on the previously agreed date.

23 FORWARD PLAN FOR CONSERVATORS' ITEMS

The Conservators received a report setting out a list of anticipated reports to be considered over the next year.

Following consideration, the Conservators:

- (1) Noted the forward plan for items.

The meeting began at 6.00 pm and ended at 6.50 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):	None
Other available papers (not attached):	Rural Development Growth Programme for England Report & Minutes, meeting of the Conservators, 8 October 2018

Report summary

The Conservators are asked to note the current situation on issues raised previously. Updates on the following matters are provided: Maintenance of the hack sand track at the foot of Walton Downs; Bid for European Agricultural Fund for Rural Development funding (EAFRD).

Recommendation (s)

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

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

- 1.1 The Council has raised issues with the Horse Race Levy Board in relation to the Hack Sand track. The Board has confirmed that it is currently looking at the specific issue of the track, to ensure it is resolved before the Board is dissolved.

2 Bid for European Agricultural Fund for Rural Development funding (EAFRD)

- 2.1 A site visit involving the relevant parties for the bid is being arranged.

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

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

Head of Service/Contact: Amardip Healy, Chief Legal Officer
Annexes/Appendices (attached): None
Other available papers (not attached): None

Report summary

This report provides the Conservators with an update on items considered by the Epsom and Walton Downs Training Grounds Management Board. Updates on the following matters are provided: Epsom trained winners; Jockey Club Estates website; Racing post article.

Recommendation (s)

- (1) That the Conservators receive and note an update on items considered at recent meetings of the Epsom and Walton Downs Training Grounds Management Board.**

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

- 1.1 The Chairman of the Conservators and Training Grounds Manager (Mr Nigel Whybrow) have provided the following report on items considered at recent meetings of the Training Grounds Management Board (TGMB), for the Conservators' information.

2 Epsom trained winners

- 2.1 The number of Epsom trained winners, to the end of November 2018, was very slightly ahead of the same period in 2017.

3 Jockey Club Estates website

- 3.1 The TGMB noted that Jockey Club Estates has a new website (www.jockeyclubestates.co.uk), with separate sections for each of Newmarket, Lambourn and Epsom.

4 Racing Post article

- 4.1 An article appeared in the Racing Post in November 2018 that promoted the training benefits and facilities of Epsom.

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

REPORT OF THE HEAD DOWNSKEEPERS

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

Annexes/Appendices (attached): None

Other available papers (not attached): None

Report summary

This report presents the Head Downskeeper's update to the Conservators. It includes: recent events on the Downs, staffing, incidents on the Golf Course and habitat projects.

Recommendation (s)

(1) To note the report

1 Recent events on the Downs

1.1 Alzheimer's Memorial Walk took place in September, and was the first time it has been held on the Downs. The event ran smoothly without any issues or any significant damage to the Downs. The representatives were courteous and cooperative with Downskeepers. Heavy downpours may have affected numbers on the day. As a result, if the event is held again there may be higher participation.

2 Staffing

2.1 Recruitment has taken place and two people have been appointed to the post of Downskeeper. These two members of staff have worked for us for a period on the Downs through an agency and are familiar with the operations. Both have had horse handling training at Newmarket.

2.2 At present, all Downskeepers are either attaining a first aid qualification or refreshing their St Johns Ambulance training. This started in October and is continuing until all members have attended.

3 Incidents on the golf course

- 3.1 Over two or three evenings there have been reports occurring of cars gaining access to the golf course via Downs Road. This had potential to cause significant damage to the golf course. As a result, the Downskeepers have erected a removable rail to prevent unauthorised access to the golf course. This is removed during training hours. Going forward, other options will be considered.

4 Habitat projects

- 4.1 The Downskeepers have installed several new habitat projects on the Downs to encourage the biodiversity on the Downs. A tawny owl box located near Langley Vale Farm copse, a kestrel box located near the 'triangle' and a bug hotel located at the glades. All were made and installed by the Downskeepers and made from mainly reclaimed substances.

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

BUDGET 2019/20

Head of Service/Contact: Lee Duffy, Treasurer to the Conservators
Annexes/Appendices (attached): **Annex 1** – Detailed Estimates for 2019/20
Other available papers (not attached): None

Report summary

This report seeks approval for the 2019/20 budget and the recommended precepts on the constituent bodies.

Recommendation (s)

That the budget for 2019/20 be agreed as set out in Annex 1 to this report, with a request for a 4% increase in precept from the constituent bodies as follows:-

- (1) Epsom and Ewell Borough Council: £244,360**
- (2) Epsom Downs Racecourse: £122,170**
- (3) Epsom & Walton Downs Training Board: £40,730**

1 Background

1.1 As a basis for agreeing a budget and contribution levels for 2019/20, this report provides:-

- A forecast of income and expenditure for 2018/19.
- Estimates for 2019/20

2 Revised Forecast for 2018/19

2.1 The Conservators received a mid-year monitoring report at the meeting on 8 October 2018. A detailed update of forecast income and expenditure for 2018/19 is included in **Annex 1**.

- 2.2 There has been a marginal reduction in the forecast overspend since the last report as a result of increased income from hire charges. The latest forecast for the current financial year anticipates net expenditure of £394,020 compared to the original budget of £391,590. This represents a forecast overspend of £2,430, which is mainly due to £6,300 funding of the Rural Development Growth Programme application, as agreed at the October 2018 meeting.
- 2.3 The working balance stood at £49,585 at 31 March 2018. The latest forecast of the working balance at 31 March 2019 is £47,154.

3 Budget Estimates 2019/20

- 3.1 The detailed estimates for 2019/20 are attached at **Annex 1**. The estimates have been prepared using the guidelines provided at the last meeting when it was noted that precepts would need to increase by 4% to fund participation in the Rural Development Growth Programme and to achieve a balanced budget for next year.
- 3.2 The budget position for 2019/20 detailed at **Annex 1** is summarised below:-

	£'000
Grounds Maintenance	55
Keepers Hut	6
Central and staffing expenses	326
Derby Travellers Caravan Site	6
Tattenham Corner Conveniences	23
Miscellaneous Income	(8)
Net Expenditure	407
Contribution from EEBC/EDR/TB	(407)
Budget Surplus	0

- 3.3 Net Expenditure is estimated at £407,260, this is £15,670 (4%) higher than the current year's budget. Variations in income can be calculated at £3,916 for each 1% increase or decrease in contribution levels.

- 3.4 A budget of £6,580 has been included to fund participation in the Rural Development Growth Programme over a four year period.

4 Repairs and Renewals Fund

- 4.1 The repairs and renewals fund balance was £31,057 as at 31 March 2018. The budget for 2019/20 allows for a contribution of £5,000 into this reserve, which is considered prudent given the potential need for future repairs to the car parks.

5 Audit of the Accounts 2017/18

- 5.1 The external auditors, PKF Littlejohn LLP, have completed the audit of the accounts for the year ended 31 March 2018.
- 5.2 The auditors concluded that the accounts had been prepared in accordance with proper practices and raised no matters of concern. As such, no changes are required to the financial position for 2017/18 as reported in June 2018.
- 5.3 The accounts and audit documents have been published on the Council's website in accordance with the requirements of the Accounts and Audit Regulations 2015.

6 Financial and Manpower Implications

- 6.1 **Chief Finance Officer's comments:** All financial implications are reflected in the body of this report.

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

- 7.1 There are no legal implications arising from this report.
- 7.2 **Monitoring Officer's comments:** None for the purposes of this report.

8 Risk Assessment

- 8.1 The estimated working balance for 2019/20 is approximately 11.5% of net expenditure which, along with the R&R fund, provide cover for unforeseen expenditure. Further withdrawals from the working balance will need to be carefully assessed to ensure sufficient funds are available and provide a stable level of contribution.

9 Conclusion and Recommendations

- 9.1 The Conservators are requested to note the latest income and expenditure position.
- 9.2 It is proposed that:-

- The budget for 2019/20 is approved as set out in the detailed estimates attached at **Annex 1**.
- Total contributions of £407,260 are approved and allocated 60% to Epsom and Ewell Borough Council, 30% to Epsom Racecourse and 10% to the Training Board.

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

EWDC Mid-Year Budget Monitoring						
2017/18 Outturn		2018/19 Budget	Actuals to 31/12/18	2018/19 Forecast Outturn	2018/19 Forecast Variance	2019/20 Budget Estimates
£		£	£	£	£	£
	Grounds Maintenance					
48	Maintenance of Grounds	620	0	600	-20	600
2,235	Car Park Repairs	4,000	0	4,000	0	4,200
3,554	Tree Maintenance Schedule	3,250	0	3,250	0	3,250
0	Transport and Plant repairs & mntce.	1,000	0	1,000	0	1,000
9,902	Fuel	9,000	6,739	9,964	964	10,200
2,502	Spot hire of vehicles	1,000	702	937	-63	1,000
1,715	Transport Insurance recharge	1,770	1,634	1,770	0	1,770
2,560	Hire of paladins	2,560	2,560	2,560	0	2,620
1,142	Disposal of Waste	1,180	2,070	2,070	890	1,500
28,000	EWDC Grounds/Transport fleet SLA NJMC	28,840	5,810	28,840	0	28,840
51,657	Sub-Total	53,220	21,338	54,991	1,771	54,980
	Keepers Hut					
39	Maintenance of grounds	0	14	50	50	0
6,500	Water main remedial works	0	0	0	0	0
1,525	Kier engineering and fab	1,300	1,038	1,300	0	1,345
0	Building and M&E maintenance	500	0	500	0	500
1,518	Electricity	1,500	269	1,500	0	1,500
734	Rates	730	756	756	26	800
603	Water dispenser costs	400	398	531	131	600
147	TV Licence	150	151	151	1	155
0	General office expenses	100	0	100	0	100
937	Insurance recharges	900	0	900	0	900
12,002	Sub-Total	5,580	2,626	5,787	207	5,900
	Central Expenses					
28,000	Additional pension contribution	30,900	9,333	28,000	-2,900	28,000
-5,000	Contribution to Repairs& Renewals Fund	4,700	0	4,700	0	5,000
0	EAFRD Project Funding	0	0	6,300	6,300	6,580
250	Purchase of memorials	0	0	0	0	0
1,111	Clothing & uniforms	600	468	600	0	600
1,074	External Audit	1,000	-960	1,000	0	1,000
416	Miscellaneous expenses	1,000	389	1,000	0	1,000
565	General office expenses	2,000	415	2,000	0	2,000
18,563	VAT payments	18,000	0	18,000	0	18,850
226,440	OS SLA recovery EWDC	226,440	0	230,396	3,956	232,100
28,150	Management costs SLA rec	28,150	0	28,150	0	28,850
1,145	Insurance	1,200	0	1,145	-55	1,200
506	Internal audit	500	500	500	0	500
301,220	Sub-Total	314,490	10,145	321,791	7,301	325,680
	Derby Travellers Caravan Site					
4,485	Contract Payments	5,500	3,535	3,535	-1,965	5,500
4,485	Sub-Total	5,500	3,535	3,535	-1,965	5,500
	Tattenham Corner conveniences					
590	Planned Maintenance costs	0	0	0	0	0
669	Vandalism Repairs	500	621	750	250	500
0	OOH Ad hoc call outs	0	310	0	0	0
824	Kier Engineering and fabric recharges	700	716	1,050	350	700
389	Building and M&E maintenance	2,000	1,392	2,000	0	2,000
10,761	Kier Cleaning contract recharges	10,370	7,168	10,370	0	11,000
2,673	Electricity	1,600	-3,158	-3,175	-4,775	1,600
2,982	Business Rates	3,430	3,072	3,072	-358	3,600
1,811	Water Charges	400	1,445	1,927	1,527	2,000
1,666	Insurance recharges	1,700	0	1,700	0	1,700
22,365	Sub-Total	20,700	11,567	17,694	-3,006	23,100
391,729	Gross Expenditure	399,490	49,211	403,798	4,308	415,160
	Income:					
-5,782	Hire charges	-5,600	-7,476	-7,476	-1,876	-5,600
-1,906	Interest on Balances	-1,800	0	-1,800	0	-1,800
-1,000	Misc. income	-500	-200	-500	0	-500
-8,688	Gross Income	-7,900	-7,676	-9,776	-1,876	-7,900
383,040	Net Expenditure	391,590	41,535	394,022	2,432	407,260
	Precepts:					
-227,890	Borough Council	-234,960	-234,960	-234,960	0	-244,360
-37,980	Training Board	-39,160	-39,160	-39,160	0	-40,730
-113,940	Epsom Racecourse	-117,470	-117,470	-117,470	0	-122,170
-379,810		-391,590	-391,590	-391,590	0	-407,260
3,230	Surplus (-) / Deficit in Year	0	-350,055	2,432	2,432	0
52,816	Balance b/fwd 1 April	49,585	49,585	49,585		47,154
49,585	Balance c/fwd 31 March	49,585	399,640	47,154		47,154

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EPSOM DOWNS RACING SEASON 2019

Head of Service/Contact:	Amardip Healy, Chief Legal Officer
Annexes/Appendices (attached):	Annex 1 – Fencing dates calendar
Other available papers (not attached):	Epsom and Walton Downs Regulation Act 1984 Epsom and Walton Downs Byelaws Epsom Downs Racing Season 2019 application letters Minutes of the meetings of the Epsom and Walton Downs Consultative Committee held on: 4 November 2002, 12 June 2010, 16 June 2015 and 28 September 2015

Report summary

This report informs the Conservators of dates for race meetings in 2019 and presents a request from Epsom Downs Racecourse for consent for race meetings and extensions to the periods permitted for fencing, as required by the Epsom and Walton Downs Regulation Act 1984 and Epsom and Walton Downs Byelaws.

Recommendation (s)

- (1) That the Conservators note the dates of the 2019 racing season for Epsom Downs detailed in paragraph 1.1 of this report, and grant their consent to the following meetings in accordance with section 14 of the Epsom and Walton Downs Regulation Act 1984:

Thursday 4 July (Evening)

Thursday 11 July (Evening)

Thursday 18 July (Evening)

Thursday 1 August (Evening)

Sunday 29 September

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

- (3) That the Conservators consider and determine an application from Epsom Downs Racecourse for consent under the Byelaw 2 (i) (a) to bring forward the start of the fencing period for the Upper Tattenham Enclosure and Lonsdale Enclosure for the Derby festival to 13 May 2019.
- (4) That the Conservators consider and determine an application from Epsom Downs Racecourse for consent under the Byelaw 2 (i) (a) to extend the fencing period for the Lonsdale Enclosure to enable fencing to remain in place between the dates of 12 – 19 June 2019.

1 Introduction

1.1 Epsom Downs Racecourse has informed the Clerk of the dates of its race meetings in 2019. These are as follows:

- Wednesday 24 April
- Friday 31 May (Ladies' Day)
- Saturday 1 June (Derby Day)
- Thursday 4 July (Evening)
- Thursday 11 July (Evening)
- Thursday 18 July (Evening)
- Thursday 1 August (Evening)
- Monday 26 August (Bank Holiday)
- Tuesday 27 August
- Thursday 5 September (provisional)
- Thursday 12 September
- Sunday 29 September

2 Applications for Evening and Sunday race meetings

- 2.1 Section 14 of the Epsom and Walton Downs Regulation Act 1984 (the Act) requires the consent of the Conservators for any race meeting to commence or continue after 7pm on any day, or at any time on a Sunday.
- 2.2 Epsom Downs Racecourse requests the consent of the Conservators to the following race meetings (also listed above):

- Thursday 4 July (Evening)
- Thursday 11 July (Evening)
- Thursday 18 July (Evening)
- Thursday 1 August (Evening)
- Sunday 29 September

3 Application for temporary suspension of Footpath 50

- 3.1 Epsom Downs Racecourse has applied to Surrey County Council for the temporary suspension of Footpath 50 on 31 May and 1 June, over the Derby period. This Footpath crosses the Racecourse Track near to the Princes Stand/Lonsdale Enclosure, and a similar suspension has been granted by the County Council for the past 4 years. Whilst this is a matter for consideration by the County Council, the Conservators are notified for their information.

4 Applications for racing-related fencing

- 4.1 Specific elements of the racing-related fencing applications submitted by Epsom Downs Racecourse require the Conservators' consideration: an application for the extension of the fencing period for the Upper Tattenham Enclosure for the Derby weekend, and applications for the extension of the fencing period for the Lonsdale Enclosure. The details of these applications are set out in sections 5 and 6 below, and displayed in **Annex 1**.
- 4.2 Paragraph (4) (d) (i) of section 17 of the Act permits the Racecourse to erect fencing for the Upper Tattenham Enclosure, Lonsdale Enclosure (and other enclosures) 14 days prior to each race event, and requires its removal within 10 days after each race event, unless there is an overlap with the preparatory period for the next event. Fencing erected for the Enclosures outside these periods requires the consent of the Conservators under Byelaw 2 (i) (a).

5 Application for extension of the Upper Tattenham Enclosure fencing period

- 5.1 Epsom Downs Racecourse has requested permission for one extension to the fencing period for the Upper Tattenham Enclosure during the 2019 racing season. The requested extension is as follows:
- 5.1.1 A **4-day extension** to the set-up period for steel security fencing and turnstile blocks for the Upper Tattenham Enclosure between Monday 13 May – Thursday 16 May 2019. Under paragraph (4) (d) (i) of section 17 of the Act, Epsom Downs Racecourse is permitted to install this fencing from Friday 17 May 2019.

A similar extension to this was approved by the Conservators for 2018.

6 Application for extension of the Lonsdale Enclosure fencing period

6.1 Epsom Downs Racecourse has requested permission for two extensions to the fencing period for the Lonsdale Enclosure during the 2019 racing season. The requested extensions are as follows:

6.1.1 A **4-day extension** to the set-up period for steel security fencing and turnstile blocks for the Lonsdale Enclosure between Monday 13 May – Thursday 16 May 2019. Under paragraph (4) (d) (i) of section 17 of the Act, Epsom Downs Racecourse is permitted to install this fencing from Friday 17 May 2019.

A similar extension to this was approved by the Conservators for 2018.

6.1.2 An **8-day extension** to the fencing period for steel security fencing and turnstile blocks for the Lonsdale Enclosure **between Wednesday 12 June – Wednesday 19 June 2019**. Under paragraph (4) (d) (i) of section 17 of the Act, Epsom Downs Racecourse is required to remove this fencing on 12 June 2019, before it is permitted to re-install it on Thursday 20 June 2019.

A similar extension to this was approved by the Conservators for 2018.

7 Summary and calendar

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

Fencing location	Fencing extension requested	No. of days requested	Requested/granted in 2018?
Upper Tattenham Enc.	13 – 16 May	4 days	Yes. Granted.
Lonsdale Enc.	13 – 16 May	4 days	Yes. Granted.
Lonsdale Enc.	12-19 June	8 days	Yes. Granted.

8 Previous decisions

- 8.1 A fencing-period extension in advance of the Derby Festival has been requested by the Racecourse and granted by the Conservators for the past 17 years, following an initial application by the Racecourse in advance of the 2002 Derby Festival. This initial decision was made by the Conservators following advice from the Clerk that whilst the Act did not specifically empower them to vary the fencing period, as long as they acted within their general duty to protect the Downs and did not authorise any activity which would prevent the public from exercising their rights of access, they were not prohibited from considering it.
- 8.2 The Conservators have subsequently considered and approved similar extensions in each year they have been requested.
- 8.3 The Epsom and Walton Downs Consultative Committee has considered the fencing extensions granted by the Conservators at its meetings on 4 November 2002, 12 June 2010, 16 June 2015 and 28 September 2015. At the meeting of 28 September 2015 the Committee received a report inviting its views on the fencing extensions granted for 2015. In response to this invitation, one Member of the Committee expressed that they did not agree with the view that the Conservators had powers under the Act or Byelaws to approve fencing extensions. The view of the Council's officers with regard to the legal powers available to the Conservators is detailed in section 9 of this report, below.

9 Financial and Manpower Implications

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

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

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

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

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

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

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

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

10.4 **Monitoring Officer's comments:** None arising from the contents of this report.

11 Sustainability Policy and Community Safety Implications

11.1 None for the purposes of this report.

12 Partnerships

12.1 None for the purposes of this report.

13 Risk Assessment

13.1 To mitigate potential impact upon Downs users, Epsom Downs Racecourse has undertaken to provide a work schedule for all fencing to the Clerk prior to its installation.

13.2 To mitigate the impact of the requested extension to the fencing period for the Lonsdale Enclosure, Epsom Downs Racecourse has undertaken to fasten open gates at both ends of the Enclosure between race meeting dates, to enable free access of the area by all Downs visitors.

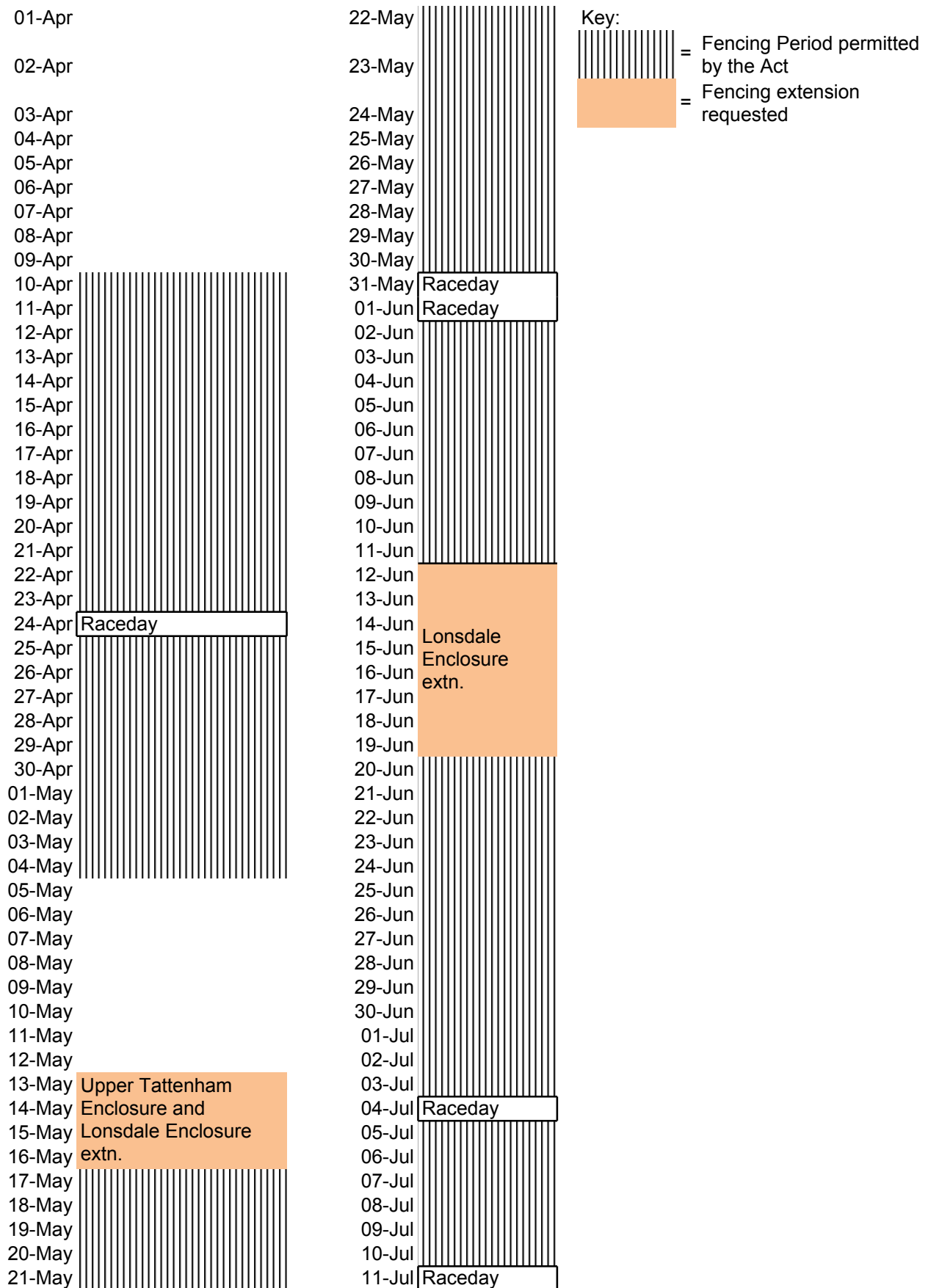
13.3 The Conservators have considered and approved similar fencing-period related extensions for the past 17 years. No issues relating directly to the extensions have been encountered during this time, and it is therefore considered that the risks relating to granting them are low.

14 Conclusion and Recommendations

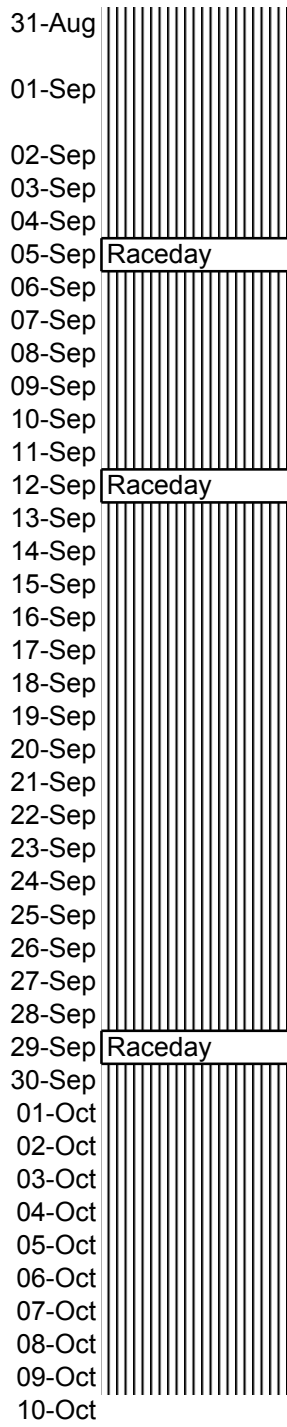
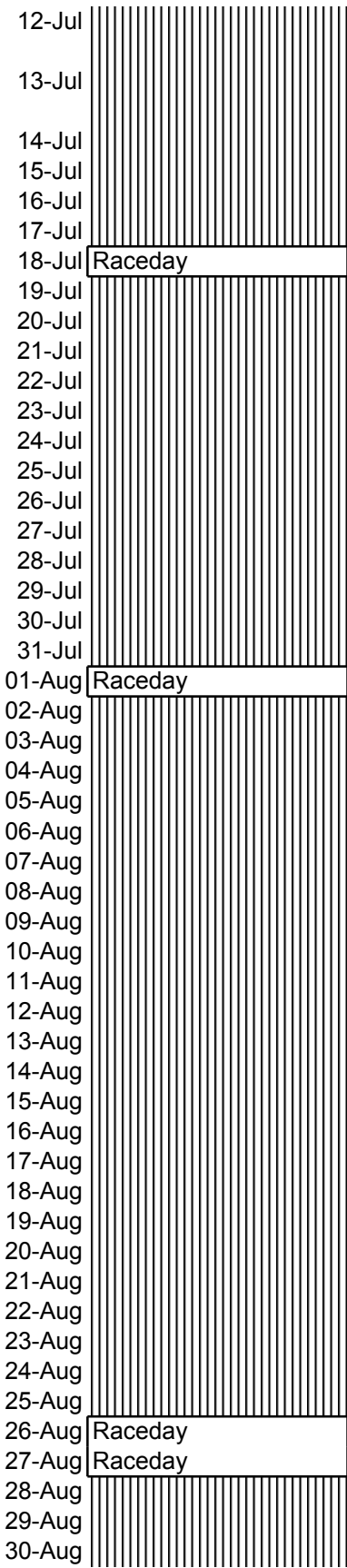
14.1 The Conservators are requested to consider and determine the applications from Epsom Downs Racecourse for evening and Sunday race meetings, and the extension of the fencing period as detailed in sections 2, 5 and 6 of this report.

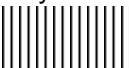

Ward(s) Affected: College Ward; Woodcote Ward;

Epsom Racecourse fencing periods - 2019 race season



Agenda Item 6 Annex 1



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

FORWARD PLAN FOR CONSERVATORS' ITEMS

Head of Service/Contact: Amardip Healy, Chief Legal Officer
Annexes/Appendices (attached): None
Other available papers (not attached): None

Report summary

This report sets out a list of anticipated reports to be considered by the Conservators at future scheduled meetings.

Recommendation (s)

That the Conservators:

(1) note the forward plan for items.

1 Background and proposals

1.1 The forward plan of anticipated items for future scheduled meetings of the Conservators is provided below. It is intended to provide the Conservators with an overview of upcoming reports.

2 Forward plan of items

2.1 The Conservators currently have one future meeting scheduled within the 2018/19 Council year: **15 April 2019**. The anticipated items for this meeting are as follows:

- Proposed events on the Downs
- Head Downskeeper's Report
- Items of interest considered by the Training Grounds Management Board
- Minutes of the meeting of the Epsom and Walton Downs Consultative Committee

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.

4.2 **Monitoring Officer's comments:** None 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 Paragraph 2.1. The forward plan for further future meetings will be reported to the Conservators once dates for meetings in the 2019/20 year have been set.

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