

EPSOM AND WALTON DOWNS CONSERVATORS

Monday 27 January 2020 at 6.00 pm

Council Chamber - 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, the Council (Chairman)

Simon Durrant, Jockey Club Racecourses (the Company) (Vice-Chairman)

Andrew Cooper, Jockey Club Racecourses (the Company)

Simon Dow, Horserace Betting Levy Board (the Levy Board)

Councillor Bernice Froud, the Council

Councillor Jan Mason, the Council

Councillor Steven McCormick, the Council

Councillor Lucie McIntyre, the Council

Stephen Wallis, Jockey Club Racecourses (the Company)

Councillor Clive Woodbridge, the Council

Yours sincerely



Clerk to the Conservators

For further information, please contact Democratic Services, 01372 732122 or democraticservices@epsom-ewell.gov.uk

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Questions from the Public

Questions from the public are not permitted at meetings of the Epsom and Walton Downs Conservators.

AGENDA

1. MINUTES OF PREVIOUS MEETING (Pages 5 - 12)

The Conservators are asked to confirm as a true record the Minutes of the Conservators' Meeting held on 28 October and Special meeting on 25 November 2019 (attached) and to authorise the Chairman to sign them.

2. STRATEGIC RISK REGISTER (Pages 13 - 24)

To present the Strategic Risk Register for the Conservators which covers the risks, mitigations, responsibility and action required to manage the risks identified.

3. BUDGET 2020/21 (Pages 25 - 32)

This report seeks approval for the 2020/21 budget and the recommended precepts on the constituent bodies. Conservators are also asked to consider the budget savings options set-out in the report.

4. EPSOM DOWNS RACING SEASON 2020 (Pages 33 - 42)

This report informs the Conservators of dates for race meetings in 2020 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.

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**Minutes of the Meeting of the EPSOM AND WALTON DOWNS CONSERVATORS
held on 28 October 2019**

PRESENT -

Councillor Liz Frost (the Council) (Chairman); Simon Durrant (Jockey Club Racecourses (the Company)) (Vice-Chairman); Councillor Lucie McIntyre (the Council), Councillor Jan Mason (the Council), Councillor Steven McCormick (the Council), Stephen Wallis (Jockey Club Racecourses (the Company)) and Councillor Clive Woodbridge (the Council).

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

Absent: Andrew Cooper (Jockey Club Racecourses (the Company)), Simon Dow (Horserace Betting Levy Board (the Levy Board)) and Councillor Bernice Froud (the Council)

Officers present: Kathryn Beldon (Chief Executive), Amardip Healy (Chief Legal Officer), Brendan Bradley (Chief Accountant), Samantha Whitehead (Streetcare Manager), Karen Wilkins (Accountant) and Tim Richardson (Committee Administrator)

8 MINUTES OF PREVIOUS MEETING

The Minutes of the meeting of the Epsom and Walton Downs Conservators held on 17 June 2019 and the Special Meeting held on 22 July 2019 were agreed as a true record and signed by the Chairman.

9 JOCKEY CLUB RACECOURSES (THE COMPANY) APPOINTMENT OF A MEMBER OF THE CONSERVATORS (MR STEPHEN WALLIS)

The Conservators were informed that Mr Nigel Whybrow had resigned from his position as a Member of the Epsom and Walton Downs Conservators appointed by the Company (Jockey Club Racecourses).

The Conservators confirmed the appointment of Mr Stephen Wallis as a Conservator by the Company (Jockey Club Racecourses), and welcomed Mr Wallis to the meeting.

10 PROGRESS REPORT

The Conservators received a report providing an update on the following matters: Hack Sand Track, European Agricultural Fund for Rural Development (EAFRD).

The following matters were considered:

- a) **Hack Sand Track.** The Conservators noted the long-running nature of issues surrounding the maintenance of the Hack Sand Track. A Member requested further information with regard to the timescale for the resolution of the issues, as there had been little apparent progress.

The Chief Legal Officer informed the Conservators that the comments on this matter had been noted and that a further, more detailed report would be presented to their meeting in January 2020.

- b) **European Agricultural Fund for Rural Development (EAFRD).** The Conservators were informed that the initial bid submitted for EAFRD funding had not been successful. Advice received from the Department for Environment, Food and Rural Affairs in feedback to the bid had indicated that a further opportunity for funding would be available in November 2019, and might be more successful.

Following consideration, it was resolved:

- (1) **That the Conservators noted the contents of the Progress Report.**

11 EVENTS ON THE DOWNS

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

The following matters were considered:

- a) **Limit on number of events of each category.** The Conservators noted that detail of the agreed limits for events which could be held on the Downs was not provided within the report, and considered that this should be included in future. Officers confirmed that this would be done, and informed the meeting that the events proposed in this report could all be accommodated within the existing limits.
- b) **Impact of events.** Officers informed the Conservators that all of the proposed events had been held on the Downs for a number of years. The Conservators were also informed that the event organisers were sensitive to the nature of the Downs and aware of the need to avoid any disruption to Racehorse training.

Following consideration, it was resolved:

- (1) **To note the change of date for the previously agreed event for Mole Valley Orienteering from Saturday 25 January 2020 to Thursday 23 January 2020.**
- (2) **That the Conservators approved the following proposals to hold events on the Downs:**

- **Downs Young Athletes Cross Country League (Sunday 3 November 2019, Sunday 1 December 2019, Sunday 16 February 2020, Sunday 1 March 2020)**
- **Sunbeam Motor Cycle Club Ltd – 81st Pioneer Run (Sunday 22 March 2020)**
- **North Cheam Baptist Church (Sunday 12 April 2020)**
- **Cancer Research Race for Life (Sunday 21 June 2020)**

(3) **That the Conservators noted the Calendar of Events for 2019/20.**

(4) **That the Conservators noted the fees and charges to be applied to each event.**

12 USE OF BARBECUES - PROPOSAL FROM EPSOM DOWNS RACECOURSE

The Conservators received a report requesting the consideration of an application from Epsom Downs Racecourse for the use of barbecues at the Racecourse during Ladies Day, Derby Day and August Bank Holiday race meetings.

The following matters were considered:

- a) **Nature of application.** Simon Durrant informed the Conservators that the Racecourse had submitted an application to enable BBQ's to be held in specified areas during three racing fixtures – Ladies Day, Derby Day and the August Bank Holiday race meeting. Mr Durrant informed the meeting that this would be a return to similar arrangements which had been in place prior to 2011. The application had been made to address a detrimental affect upon visitor numbers which the current restrictions had created.
- b) **Risks and risk management.** Members of the Conservators noted that a decision to permit the use of BBQ's would inherently carry a level of risk to the Downs and its visitors. Simon Durrant informed the meeting that the Racecourse proposed to manage these risks by restricting BBQ use to specified "zones" and other measures. These included:
- not permitting the use of BBQs on any dates except the 3 race meetings applied for;
 - requiring all BBQs to be raised off the ground;
 - providing control measures on the Hill, including mobile teams equipped with necessary fire fighting equipment and trained staff to educate customers and ensure the safe use and disposal of BBQs.

It was noted that it was proposed to bring a scheme/conditions of use for BBQ's on the Downs to a future meeting of the Conservators, should the Conservators approve the Racecourse's request. It was also noted that visitors to the Downs could be prosecuted under the Byelaws if they attempted to light BBQs on the Downs on days other than those approved by the Conservators.

- c) **Climate change considerations.** The Conservators noted that the Borough Council had recently agreed to produce a Climate Change Action Plan in response to the UK Government declaring a Climate Change Emergency. It was noted that an air quality impact assessment could be included in the measures set out in a scheme for the use of BBQs on the Downs if the Conservators approved the Racecourse's request.
- d) **Conditional approval.** Members of the Conservators considered that if approval was granted to the proposal it should be on a conditional time limited basis to enable any impact to be assessed.

Following consideration, it was resolved:

That the Conservators:

- (1) **Considered the request from Epsom Downs Racecourse to hold barbecues at the Racecourse during Ladies Day, Derby Day and August Bank Holiday race meetings;**
- (2) **Considered the options set out in the report at paragraph 2.10;**

That the Conservators resolved with three Members voting for and two Members voting against:

- (3) **To agree that they were minded to grant conditional permission to the request from Epsom Downs Racecourse, and to ask the Council to draw up a scheme, or a set of conditions for the use of barbecues at the Racecourse and to bring such proposed scheme / conditions of use, back to the Conservators for approval.**

13 MID-YEAR BUDGET MONITORING REPORT

The Conservators received a report on income and expenditure as at 31 August 2019, which sought guidance on the preparation of the budget and precept for 2020/21.

It was noted that a revised Annex 1 to the report had been published in advance of the meeting to correct a typing error contained in the original agenda pack.

The following matters were considered:

- a) **Budget estimates 2020/21.** The Conservators noted that it was anticipated that a 2% increase in precept for 2020/21 would create a balanced budget for the year.
- b) **Audit conclusion.** The Conservators noted that the external auditors had concluded that the accounts had been prepared in accordance with proper practices and raised no matters of Concern. The Conservators expressed their thanks to Officers for their work to achieve this.

Following consideration, it was resolved:

That the Conservators:

- (1) Noted the mid-year income and expenditure position as at 31 August 2019;**
- (2) Provided guidance on the preparation of the budget for 2020/21;**
- (3) Noted the conclusion of the 2018/19 external audit of the accounts.**

14 DATES OF MEETINGS IN 2020

The Conservators received a report requesting the agreement of the dates of their normal meetings to be held in 2020.

Following consideration, it was resolved:

- (1) That the Conservators agreed to hold their normal meetings in 2020 on the following dates:**

Monday 27 January 2020 at 18.00 hours

Monday 22 June 2020 18.00 hours

Monday 9 November 2020 18.00 hours

15 THANKS TO MR NIGEL WHYBROW

The Conservators recorded their thanks to Mr Nigel Whybrow for his excellent contributions to their meetings over the time that he was a member. It was noted that the Chairman would write to Mr Whybrow to express the Conservators' thanks.

The meeting began at 6.00 pm and ended at 7.00 pm

COUNCILLOR LIZ FROST (CHAIRMAN)

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**Minutes of the Meeting of the EPSOM AND WALTON DOWNS CONSERVATORS
held on 25 November 2019**

PRESENT -

Councillor Liz Frost (the Council) (Chairman); Simon Durrant (Jockey Club Racecourses (the Company)) (Vice-Chairman); Andrew Cooper (Jockey Club Racecourses (the Company)), Councillor Bernice Froud (the Council), Councillor Jan Mason (the Council) and Councillor Steven McCormick (the Council).

In Attendance:

Absent: Simon Dow (Horserace Betting Levy Board (the Levy Board)), Councillor Lucie McIntyre (the Council), Stephen Wallis (Jockey Club Racecourses (the Company)) and Councillor Clive Woodbridge (the Council)

Officers present: Kathryn Beldon (Chief Executive), Amardip Healy (Chief Legal Officer), Samantha Whitehead (Streetcare Manager) and Tim Richardson (Committee Administrator)

16 EVENTS ON THE DOWNS

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

The following matters were considered:

- a) **Number of category 'D' events.** The Conservators noted that they had previously considered that a maximum of two category 'D' events should be permitted in a calendar year. It was noted that the calendar included as Annex 2 to the report covered a period of 14 months, and that although it contained 3 category 'D' events, no more than two had been accepted within the same calendar year.
- b) **Category of Vale Primary School event.** The Conservators noted that this event had classified as a category 'A' event under the Event Management Strategy for the Downs as it included 30 participants. As such it would incur a modest charge for use of the Downs. It was noted that it was not possible to waive or vary the fee under the Event Management Strategy. The Conservators requested Officers to inform the event organiser that the charge was required as the event had exceeded the number of attendees for a free (category 'U') event by 1, should they wish to review the number of participants.

Following consideration, it was resolved:

That the Conservators approved the following proposals to hold events on the Downs:

- (1) Tadworth Ten Running Race, 5 January 2020;**
- (2) The Vale Primary School, 3 March 2020;**
- (3) Rotary Club of Banstead Sponsored Charity Walk, 10 May 2020.**

The meeting began at 6.02 pm and ended at 6.13 pm

COUNCILLOR LIZ FROST (CHAIRMAN)

STRATEGIC RISK REGISTER

Head of Service/Contact:	Gillian McTaggart, Head of Policy, Performance and Governance
Annexes/Appendices (attached):	Annex 1 Conservator's Strategic Risk Register
Other available papers (not attached):	None

Report summary

To present the Strategic Risk Register for the Conservators which covers the risks, mitigations, responsibility and action required to manage the risks identified.

Recommendation (s)

That the Conservators:

1. **Approve the completed Strategic Risk Register;**
2. **Authorise the Clerk to the Conservators to confirm the adequacy of the insurance and health & safety arrangements seeking confirmation from the Jockey Club and TGMB on their arrangements;**
3. **Authorise the Clerk to the Conservators to campaign for potential safety measures in light of recent incidents.**

1 Background

- 1.1 As part of an overall study into the work of the Downskeepers and the role of the Conservators, it is timely to update and review the strategic risk register.
- 1.2 The Conservators have particular responsibilities as a group and as a partnership working with each other. This risk register highlights the responsibilities which the Conservators have and how each of the risks are mitigated.
- 1.3 One of the outcomes of this exercise is to ensure potential risks are recorded, remedied and reported, in order to feed in to the suite of key performance indicators which will be presented at regular intervals to the Conservators.

- 1.4 Comments from Conservators have been received and suggested amendments have been incorporated in the risk register, which will be reviewed annually.
- 1.5 Effective risk management is an integral part of ensuring services are delivered. Managing risks can have a major impact in meeting priorities and delivering responsibilities and there are a number of arrangements in place to do this.
- 1.6 The function of a strategic risk register is to provide focus on good practices, to facilitate, guide and train.

2 Proposals

- 2.1 It is proposed that the strategic risk register be agreed and modified as necessary in line with the needs of the Conservators.
- 2.2 This report sets out the strategic risk register for the Conservators and covers health and safety, legal responsibility, insurance and event management. Many risks are managed on a daily basis through internal controls, policies and procedures.
- 2.3 Risk 'EWDC2' within the strategic risk register covering 'incidents on the Downs or failure to provide adequate health and safety identifies that assurance should be provided on the health and safety arrangements of all partners and the Clerk to the Conservators will confirm the current arrangements.
- 2.4 In addition and in light of recently reported health and safety incidents, involving the deaths of two horses the Conservators are asked to agree that Surrey County Council be called upon to review potential traffic safety measures, and consider improved signage or traffic speed measures that could be introduced to improve safety.

3 Financial and Manpower Implications

- 3.1 There are no specific financial or manpower implications for the purposes of this report.
- 3.2 **Chief Finance Officer's comments:** none arising from the contents of this report.

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

- 4.1 The risk register notes that decisions made by the Conservators are required to be in accordance with Epsom and Walton Downs Regulation Act 1984.
- 4.2 **Monitoring Officer's comments:** none arising from the contents of this report.

5 Sustainability Policy and Community Safety Implications

- 5.1 The strategic risk register notes the application of the habitat management plan and how its' implementation impacts events and usage of the Downs, this will be closely monitored and the register reviewed as necessary.

6 Conclusion and Recommendations

- 6.1 It is proposed that the strategic risk register be approved and updated on an annual basis to reflect any changes in usage due to societal or other developments which may impact the users of the Downs.
- 6.2 That the Clerk to the Conservators be authorised to seek assurance as to the adequacy of the insurance and health and safety arrangements on the Downs.
- 6.3 That the Clerk to the Conservators be authorised to campaign for any measures with Surrey County Council and other partners that could improve traffic safety in light of recent incidents near the Downs.

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

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The Risk Evaluation Matrix provides guidance on scoring probability and impact. The residual risk are shown on the Summary Table below

Probability	1	2	3	4	5	
Almost Certain						5
Probable						4
Possible			EWDC2, EWDC5, EWDC7, EWDC8, EWDC9	EWDC4	EWDC1,	3
Unlikely		EWDC6, EWDC 11	EWDC3		EWDC 10	2
Rare				EWDC12		1
	Insignificant	Minor	Moderate	Major	Highly significant	Impact

Ref	Description of Risk/ Opportunity	Rating	Risk Level	Mitigation in place	Accountable	Actions required	Residual Risk	Residual Rating	Direction of Travel
EWDC1	Failure to maintain the standards across the Downs including maintenance of the car parks	20	High	Habitat Management Plan Golf Club Management Plan	Sam Whitehead Streetcare Manager	Preparation of agreed specification of work Revised service delivery reporting on key performance indicators to include H&S, Complaints	15	High	
EWDC2	Incident on the Downs or failure to provide adequate health & safety arrangements	20	High	The Conservators can place reliance on Health & Safety arrangements for the Council, The Jockey Club and The TGMB; The Council has operational H&S policies risk assessments and guidance.	Ian Dyer Head of Operational Services	Assurance to be provided to The Conservators of the adequacy of the Health and Safety arrangements. Clerk to the Conservators to seek assurances	9	Medium	
EWDC3	There is a budget shortfall or insufficient funds to support the work of the Conservators	16	Medium	Agreed balanced budget each year Budget monitoring Financial accounts audited Repairs and renewal fund for the replacement of plant Grant funding application submitted for signage improvement	Chief Finance Officer	Bid not approved, re-application in progress	6	Medium	

EPSOM & WALTON DOWNS CONSERVATOR’S RISK REGISTER

EWDC4	Decisions made by the Conservators are legal and consistent Failure to comply with the Epsom and Walton Downs Regulation Act 1984	20	High	Legal advice is provided by the Chief Legal Officer when appropriate and included within reports Training of Conservators Some significant issues are in the process of being clarified, e.g. the hack sand track, and external advice may be required to avoid conflicts of interest	Amardip Healy Chief Legal Officer	Ongoing advice from Head of Legal. Clearer understanding of roles and responsibilities. Conservators to obtain external legal advice when appropriate	12	High
EWDC5	Risk of major disruption or injury to users on the Downs	9	Medium	Emergency Plans and Business Continuity Plan. Insurance arrangements. Risks assessments. Reporting committee arrangements	Ian Dyer Head of Operational Services	Assurances on arrangements to be sought by the Clerk to the Conservators	9	Medium
EWDC6	Failure of partners to meet their obligations	9	Medium	Clarity of roles and responsibilities of partner organisations	Conservators	Clarification from each partner that they meet their obligations	4	Low
EWDC7	Adequacy of insurance arrangements for the Downs	16	Medium	Each partner has in place satisfactory insurance cover	Conservators	Obtain statement of assurance from partners that they have sufficient insurance cover	9	Medium

EPSOM & WALTON DOWNS CONSERVATOR’S RISK REGISTER

EWDC8	Conflict of interests of partner	9	Medium	The Conservators consist of representatives from Council, Jockey Club and Training Ground Management Board and have a duty to act in the best interest of a Conservator whilst decision making. Committee report template to note legal obligations and where necessary contain internal/external legal advice	Conservators/ Chief Legal Officer	Regular reminders as to responsibilities as a conservator	9	Medium
EWDC 9	Conflicting usage / activities across the Downs	20	High	Reporting of issues and taking remedial action if required Role of the Consultative Committee also involves referring matters arising in this regard	Streetcare Manager	Improve Signposting and information Continued monitoring & awareness of issues	9	Medium
EWDC 10	Adequacy of service obligations	20	High	Conservators receive updates on service	Conservators	Development of performance indicators in order that contract monitoring arrangements clarified	10	Medium
EWDC 11	Management of events on the Downs	12	Medium	Arrangements are in place to agree those events that can be held on the Downs and are pre-approved. Where applicable fee paid, contract signed	Conservators and Streetcare Manager	Ongoing monitoring of events and affect on the Downs to be included in service delivery as issues arise	4	Low

EPSOM & WALTON DOWNS CONSERVATOR'S RISK REGISTER

EWDC 12	Safeguarding on the Downs	5	Low	Reporting arrangements in place	Streetcare Manager/ Operational services	Confirm adequacy of arrangements	4	Low	
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Defined Strategic Risk Levels

Risk Evaluation Matrix

The tables below give guidance on assessing risks on a scale of 1 to 5 in terms of their probability and their impact. These give broad range of risks to provide consistency across all risk registers. However you may have additional criteria that you want to consider in assessing a risk. The risk is scored without taking into consideration of the score in place - “**a natural or inherent risk**” and then scored taking into account the control measures or mitigation measures in place these are referred to as the, “Residual Risks”

Probability Score	1	2	3	4	5
Description	Rare	Unlikely	Possible	Probable	Almost Certain
Frequency	This will probably never happen or occur	Not expected to happen/occur	Might happen or occur occasionally	Will probably happen/ occur but it is not a persisting issue	Will undoubtedly happen/ occur , possibly frequently
Likelihood	Less than 5% chance	Around 10% chance	Around 25% chance	Around 60% chance	Around 90% chance

Impact Score	1	2	3	4	5
Descriptor	Insignificant t	Minor	Moderate	Major	Highly significant
Employees	No impact on staff or service delivery	Short term low staffing Temporary reduction in service No impact on staff morale	Medium term staffing issues Loss of experienced staff to deliver services Minor staff dissatisfaction	Late delivery of key services Lack of experienced staff Low morale	Non delivery of key objectives High impact on services Very low morale

EPSOM & WALTON DOWNS CONSERVATOR’S RISK REGISTER

Finance	Minimal financial implication Below £25,000	Budget pressures < £25 k to £100k	Budget pressures between £100,000 and £200,000	Budget risk £200k to £500k Loss of income	Significant loss of income more than 10% budget Not covered by insurance Budget risk over £500,000
Statutory duties/Legislation	Minimal or no impact	Minor breach Reduced rating if unresolved	Single breach if statutory duty Challenging external recommendations	Several breaches Enforcement action or improvement notices Critical report Low performance rating	Multiple breaches Prosecution for Judicial Review Service collapse
Projects/ Programmes	Little/no slippage no threat to outcomes				
Health& Safety- impact on the safety and well-being of the public and staff	No ill effects	Short lived/minor injury or illness that may require first aid assistance Small number of work days lost	Moderate injury/ill effects requiring hospitalisation. Risk of prosecution from enforcement agencies	Single fatality and or long term illness or multipole serious injuries RIDDOR reporting?	Multiple and /or multiple incidences or permanent disability or ill health.

	Low	Medium	High
<u>Impact of risk materialising</u>			
Finance –	Budget pressures < £100,000	Budget pressures between £100,000 and £200,000	
Reputation	Loss of confidence and trust in the council felt by a small group or within a small geographical area	A limited loss of confidence and trust in the council within the local community	A major loss of confidence and trust in the council within the local community and wider with national interest
Service delivery	Disruption to a council service	Some disruption to more than one service across the council or severe disruption to one service	Severe wide spread disruption to services across the council
Health and Safety	Minor injury or illness requiring minimal intervention or treatment	Moderate injury or illness requiring professional intervention / multiple minor injuries	Extensive and multiple injuries including possible loss of life
Likelihood of risk materialising	Remote / low probability	Possible / medium probability	Almost certain / highly probably

The above is not prescriptive criteria, but a guidance tool for management.

Assurance levels of the controls scored 1 to 5

Strength of controls is scored on a scale of 1(low) to 5 (high) to identify what is in place to mitigate the risks including controls, processes, action plans and targets.

BUDGET 2020/21

Head of Service/Contact: Lee Duffy, Treasurer to the Conservators
Annexes/Appendices (attached): Annex 1 – Recommended Budget for 2020/21

Other available papers (not attached):

Report summary

This report seeks approval for the 2020/21 budget and the recommended precepts on the constituent bodies. Conservators are also asked to consider the budget savings options set-out in the report.

Recommendation (s)

That the Conservators:

- (1) Note the latest income and expenditure position for 2019/20**
- (2) Agree the recommended budget for 2020/21 as set out in Annex 1 to this report, with a request for a 7.7% increase in precepts from constituent bodies as follows:**
 - **Epsom and Ewell Borough Council: £263,118**
 - **Epsom Downs Racecourse: £131,559**
 - **Epsom and Walton Downs Training Board: £43,853**
- (3) Consider the savings options at paragraph 3.6 and advise whether any options should be taken forward by officers for further review.**
- (4) Should any of the savings options be supported, to delegate authority to the Treasurer to agree the final budget and precept for 2020/21.**

1 Background

- 1.1 As a basis for agreeing a budget and contribution levels for 2020/21, this report provides:

- 1.1.1 A forecast of income and expenditure for 2019/20
- 1.1.2 A recommended budget for 2020/21 at Annexe 1
- 1.1.3 Savings options for the Conservators to consider, which could reduce future annual precepts.

2 Revised Forecast for 2019/20

- 2.1 The Conservators received a mid-year monitoring report at the meeting on 28th October 2019. A detailed update of forecast income and expenditure for 2019/20 is included in **Annex 1**.
- 2.2 Net expenditure for 2019/20 is now forecast at £410,582, which would result in a small overspend of £3,322 against the budget of £407,260. This represents a £6,221 reduction in forecast expenditure compared to October 2019, principally because the EAFRD grant funding bid has unfortunately been unsuccessful.
- 2.3 The working balance stood at £66,224 at 31 March 2019. The latest forecast of the working balance at 31 March 2020 is £62,902.

3 Budget Estimates 2020/21

- 3.1 The recommended budget estimates for 2020/21 are attached at Annex 1. An initial draft budget had been presented to Conservators at the October meeting, however, the recommended budget at Annex 1 has been updated to reflect proposed charges that were presented to the subsequent Conservators workshop in November 2019.
- 3.2 The workshop involved a review of all costs, including the time and cost of Council officers undertaking both strategic and operational tasks for EWDC. Support costs were assessed – including transport, insurance, contract payments, maintaining the conveniences – to compare the services and goods provided to the actual recharges made, with any discrepancies highlighted. The main variances identified were:
 - The salaries cost of downskeepers
 - Operational management costs
 - Central management costs such as legal and finance
 - Cost of providing project or ad hoc work
 - Cost of cleaning and maintaining the downskeepers' hut.

- 3.3 The workshop formed the basis to develop a Service Level Agreement/specification which will be reported to a future meeting of the Conservators.
- 3.4 The recommended budget for 2020/21 addresses the variances identified at the workshop and is summarised below:

Budget Summary 2020/21	£'000
Grounds Maintenance	56
Keepers Hut	11
Central and staffing expenses	353
Derby Travellers Caravan Site	6
Tottenham Corner Conveniences	23
Miscellaneous Income	-10
Net Expenditure	439
Contribution from EEBC/EDR/TB	-439
Budget Surplus	0

- 3.5 Net expenditure for 2020/21 is estimated at £438,530; this is £31,270 (7.7%) higher than the current year's budget.
- 3.6 Should the Conservators wish to consider alternative means of reducing the level of precepts in future, the following options are listed for consideration:
- 3.6.1 **Option A – Remove budget for project work.** The recommended budget for 2020/21 includes a sum of £4,200 for ad-hoc project work, which provides a resource for service improvements. Removing this budget could save £4,200 per annum in the short term. However, there is a risk that should the Conservators wish to reapply for EAFRD funding or undertake other project work, funding would have to be identified from reserves or future budgets.
- 3.6.2 **Option B – A review of fees and charges.** There is scope to review fees and charges to increase income from events on the Downs. However, there is a risk that should fees and charges be increased by too much, some events may not continue to be held on the Downs, with an adverse impact on overall income levels. Currently, the Conservators generate circa £6,000 per annum from hire charges on the Downs.
- 3.6.3 **Option C – Downskeepers' Hut.** Undertake a review on the increased cost of cleaning and maintenance of the Hut, as a result of changes to contracts. The current cleaning and maintenance contract costs £6,060 per annum.
- 3.7 Conservators are asked to consider the above savings options and advise whether any options should be taken forward by officers for further review.

4 Repairs and Renewals Fund

- 4.1 The repairs and renewals fund balance was £36,001 as at 31 March 2019. The budget for 2020/21 allows for a contribution of £2,000 into this reserve, which is prudent given the potential need for future repairs to car parks.

5 Financial and Manpower Implications

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

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

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

7 Risk Assessment

- 7.1 The estimated working balance of £62,902 for 2020/21 is approximately 14% 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.

8 Conclusion and Recommendations

- 8.1 The Conservators are asked to note the latest income and expenditure position.
- 8.2 The Conservators are asked to agree the recommended budget for 2020/21 as set out in Annex 1 to this report, with a request for 7.7% increase in precept from constituent bodies as follows:
- Epsom and Ewell Borough Council: £263,118
 - Epsom Downs Racecourse: £131,559
 - Epsom and Walton Downs Training Board: £43,853
- 8.3 The Conservators are asked to consider the above savings options and advise whether any options should be taken forward by officers for further review.
- 8.4 Should any of the savings options be supported, to delegate authority to the Treasurer to agree the final budget and precept for 2020/21.

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

EWDC Budget Position						
<u>2018/19</u> <u>Outturn</u>		<u>2019/20</u> <u>Budget</u>	<u>Actuals to</u> <u>31/12/19</u>	<u>2019/20</u> <u>Forecast</u> <u>Outturn</u>	<u>2019/20</u> <u>Forecast</u> <u>Variance</u>	<u>2020/21</u> <u>Budget</u> <u>Estimates</u>
£		£	£	£	£	£
	Grounds Maintenance					
0	Maintenance of Grounds	600	0	0	-600	200
0	Car Park Repairs	4,200	1,400	4,200	0	3,000
3,500	Tree Maintenance Schedule	3,250	0	3,250	0	3,310
0	Transport and Plant repairs & mntce.	1,000	0	250	-750	500
9,530	Fuel	10,200	5,031	10,200	0	10,000
702	Spot hire of vehicles	1,000	0	250	-750	860
1,634	Transport Insurance recharge	1,770	1,941	1,941	171	1,980
2,560	Hire of paladins	0	0	0	0	0
0	Chemicals for weed control	0	425	425	425	410
2,070	Disposal of Waste	1,500	2,872	2,872	1,372	2,930
28,840	Transport fleet SLA NJMC	28,840	0	28,840	0	29,420
0	Internal trade waste fees	2,620	2,620	2,620	0	3,360
48,836	Sub-Total	54,980	14,289	54,848	-132	55,970
	Keepers Hut					
14	Maintenance of grounds	0	0	0	0	0
1,545	Engineering and fabric recharges	1,345	1,501	2,200	855	2,250
0	Building and M&E maintenance	500	1,550	2,000	1,500	1,040
392	Electricity	1,500	1,099	1,500	0	1,500
756	Rates	800	773	773	-27	790
0	Cleaning contract recharges	0	2,552	3,860	3,860	3,940
401	Water dispenser costs	600	117	400	-200	600
151	TV Licence	155	0	155	0	160
14	General office expenses	100	62	100	0	100
930	Insurance recharges	900	921	921	21	940
4,204	Sub-Total	5,900	8,574	11,909	6,009	11,320

<u>2018/19</u> <u>Outturn</u>		<u>2019/20</u> <u>Budget</u>	<u>Actuals to</u> <u>31/12/19</u>	<u>2019/20</u> <u>Forecast</u> <u>Outturn</u>	<u>2019/20</u> <u>Forecast</u> <u>Variance</u>	<u>2020/21</u> <u>Budget</u> <u>Estimates</u>
	Central Expenses					
28,000	Additional pension contribution	28,000	0	28,000	0	28,000
12	Engineering and fabric recharges	0	0	0	0	0
4,700	Contribution to Repairs & Renewals Fund	5,000	0	5,000	0	2,000
556	Clothing & uniforms	600	412	600	0	610
0	Project Funding/EAFRD Consultant Fees	6,580	7,560	7,560	980	4,200
350	External Audit	1,000	1,030	1,030	30	1,020
1,035	Miscellaneous expenses	1,000	1,075	1,075	75	1,020
495	General office expenses	2,000	1,135	2,000	0	1,000
17,391	VAT payments	18,000	0	18,000	0	18,360
226,440	SLA Recovery - Downskeepers and Support	233,230	0	233,230	0	274,840
28,150	SLA Recovery - Management costs	28,570	0	28,570	0	20,020
1,240	Insurance	1,200	1,228	1,228	28	1,220
500	Internal audit	500	500	500	0	510
308,869	Sub-Total	325,680	12,939	326,793	1,113	352,800
	Derby Travellers Caravan Site					
3,535	Contract Payments	5,500	3,915	3,915	-1,585	5,500
3,535	Sub-Total	5,500	3,915	3,915	-1,585	5,500

<u>2018/19</u> <u>Outturn</u>		<u>2019/20</u> <u>Budget</u>	<u>Actuals to</u> <u>31/12/19</u>	<u>2019/20</u> <u>Forecast</u> <u>Outturn</u>	<u>2019/20</u> <u>Forecast</u> <u>Variance</u>	<u>2020/21</u> <u>Budget</u> <u>Estimates</u>
	Tattenham Corner conveniences					
1,233	Vandalism Repairs	500	-162	500	0	510
372	OOH Ad hoc call outs	0	0	0	0	0
979	Engineering and fabric recharges	700	1,715	2,480	1,780	2,530
2,542	Building and M&E maintenance	2,000	808	2,000	0	2,040
-2,823	Electricity	1,600	432	1,000	-600	1,630
3,072	Business Rates	3,600	3,142	3,142	-458	3,210
-339	Water Charges	2,000	194	500	-1,500	1,020
10,752	Cleaning contract recharges	11,000	6,154	9,656	-1,344	9,850
1,757	Insurance recharges	1,700	1,739	1,739	39	1,770
17,546	Sub-Total	23,100	14,022	21,017	-2,083	22,560
382,990	Gross Expenditure	415,160	53,739	418,482	3,322	448,150
	Income:					
-5,226	Hire charges	-5,600	-2,250	-5,600	0	-6,780
-1,813	Interest on Balances	-1,800	0	-1,800	0	-1,840
-1,000	Misc. income	-500	0	-500	0	-1,000
-8,039	Income	-7,900	-2,250	-7,900	0	-9,620
374,951	Net Expenditure	407,260	51,489	410,582	3,322	438,530
	Precepts:					
-234,960	Borough Council	-244,360	-244,360	-244,360	0	-263,118
-39,160	Training Board	-40,730	-40,730	-40,730	0	-43,853
-117,470	Epsom Racecourse	-122,170	-122,170	-122,170	0	-131,559
-391,590	Total Precepts	-407,260	-407,260	-407,260	0	-438,530
-16,639	Surplus (-) / Deficit in Year	0	-355,771	3,322	3,322	0
49,585	Balance b/fwd 1 April	66,224	66,224	66,224		62,902
66,224	Balance c/fwd 31 March	66,224	421,995	62,902		62,902

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EPSOM DOWNS RACING SEASON 2020

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 2020 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 2020 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 2020 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 2 July (Evening)

Thursday 9 July (Evening)

Thursday 16 July (Evening)

Thursday 30 July (Evening)

Sunday 27 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 18 May 2020.
- (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 on 17 June and between the dates of 10 – 16 August 2020.

1 Introduction

1.1 Epsom Downs Racecourse has informed the Clerk of the dates of its race meetings in 2020. These are as follows:

- Wednesday 22 April
- Friday 5 June (Ladies' Day)
- Saturday 6 June (Derby Day)
- Thursday 2 July (Evening)
- Thursday 9 July (Evening)
- Thursday 16 July (Evening)
- Thursday 30 July (Evening)
- Monday 31 August (Bank Holiday)
- Tuesday 1 September
- Thursday 10 September
- Sunday 27 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 2 July (Evening)

- Thursday 9 July (Evening)
- Thursday 16 July (Evening)
- Thursday 30 July (Evening)
- Sunday 27 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 5 and 6 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 5 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 2020 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 18 May – Thursday 21 May 2020. Under paragraph (4) (d) (i) of section 17 of the Act, Epsom Downs Racecourse is permitted to install this fencing from Friday 22 May 2020.

A similar extension to this has been approved by the Conservators for a number of years.

6 Application for extension of the Lonsdale Enclosure fencing period

6.1 Epsom Downs Racecourse has requested permission for three extensions to the fencing period for the Lonsdale Enclosure during the 2020 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 between Monday 18 May – Thursday 21 May 2020. Under paragraph (4) (d) (i) of section 17 of the Act, Epsom Downs Racecourse is permitted to install this fencing from Friday 22 May 2020.

A similar extension to this has been approved by the Conservators for a number of years.

6.1.2 A **1-day extension** to the fencing period for steel security fencing and turnstile blocks for the Lonsdale Enclosure on 17 June, and a **7-day extension** between Monday 10 August – Sunday 16 August 2020.

Under paragraph (4) (d) (i) of section 17 of the Act, Epsom Downs Racecourse is required to remove this fencing on 17 June 2020, before it is permitted to re-install it 1 day later on 18 June 2020. Additionally, paragraph (4) (d) (i) of section 17 of the Act requires the Racecourse to remove the fencing on 10 August before it is permitted to re-install it on 17 August, unless an extension is granted.

A similar extension to this has been approved by the Conservators for a number of years, but specific dates have varied depending on the racing calendar. In 2019 an extension of 8 days was granted by the Conservators, and the same total number of days has been requested by the Racecourse for 2020, albeit in a different configuration.

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 (2020)	No. of days requested	Requested/granted last year?
Upper Tattenham Enc.	18 – 21 May	4 days	Yes. Granted.
Lonsdale Enc.	18 – 21 May	4 days	Yes. Granted.

Fencing location	Fencing extension requested (2020)	No. of days requested	Requested/granted last year?
Lonsdale Enc.	17 June 10 – 16 August	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 18 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 10 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 18 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.

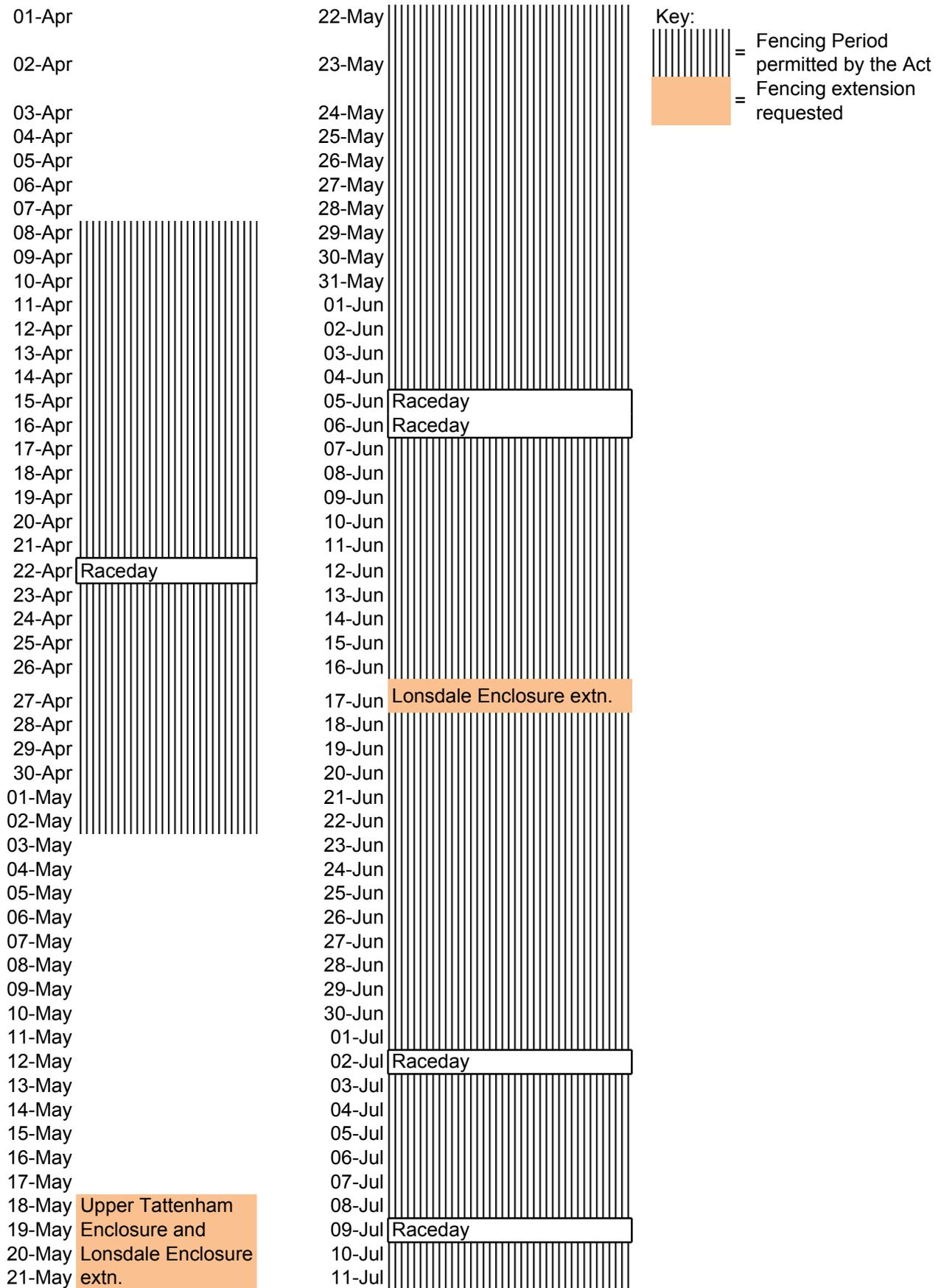
14 Conclusion and Recommendations

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;

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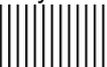
Epsom Racecourse fencing periods - 2020 race season



Agenda Item 4 Annex 1

12-Jul	
13-Jul	
14-Jul	
15-Jul	
16-Jul	Raceday
17-Jul	
18-Jul	
19-Jul	
20-Jul	
21-Jul	
22-Jul	
23-Jul	
24-Jul	
25-Jul	
26-Jul	
27-Jul	
28-Jul	
29-Jul	
30-Jul	Raceday
31-Jul	
01-Aug	
02-Aug	
03-Aug	
04-Aug	
05-Aug	
06-Aug	
07-Aug	
08-Aug	
09-Aug	
10-Aug	Lonsdale Enclosure extn.
11-Aug	Lonsdale Enclosure extn.
12-Aug	Lonsdale Enclosure extn.
13-Aug	Lonsdale Enclosure extn.
14-Aug	Lonsdale Enclosure extn.
15-Aug	Lonsdale Enclosure extn.
16-Aug	Lonsdale Enclosure extn.
17-Aug	
18-Aug	
19-Aug	
20-Aug	
21-Aug	
22-Aug	
23-Aug	
24-Aug	
25-Aug	
26-Aug	
27-Aug	
28-Aug	
29-Aug	
30-Aug	

31-Aug	Raceday
01-Sep	Raceday
02-Sep	
03-Sep	
04-Sep	
05-Sep	
06-Sep	
07-Sep	
08-Sep	
09-Sep	
10-Sep	Raceday
11-Sep	
12-Sep	
13-Sep	
14-Sep	
15-Sep	
16-Sep	
17-Sep	
18-Sep	
19-Sep	
20-Sep	
21-Sep	
22-Sep	
23-Sep	
24-Sep	
25-Sep	
26-Sep	
27-Sep	Raceday
28-Sep	
29-Sep	
30-Sep	
01-Oct	
02-Oct	
03-Oct	
04-Oct	
05-Oct	
06-Oct	
07-Oct	
08-Oct	
09-Oct	
10-Oct	

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