

## **SCHEME FOR BARBECUES AT THE RACECOURSE**

<b>Head of Service/Contact:</b>	Amardip Healy, Chief Legal Officer
<b>Annexes/Appendices (attached):</b>	Annex 1: Draft Conditions Annex 2: Application from Epsom Downs racecourse.
<b>Other available papers (not attached):</b>	Byelaws dated 24.9.2013 Minutes of the Epsom & Walton Downs Conservators: 27 January 2011, 13 October 2014. Report and minutes 28 October 2019

### **Report summary**

Following the in principle approval of the use of barbecues at the racecourse on designated periods, the Conservators asked for an operating scheme to be brought forward for final approval. This report seeks approval for a scheme to enable the in principle conditional permission to use barbecues, to be granted.

### **Recommendation (s)**

**The Conservators are asked:**

- (1) to approve the proposed conditions attached at Annex 1, on any permission to use barbecues at the Racecourse, subject to any final minor changes which may be necessary, to be agreed by the Clerk to the Conservators with the Chairman;**
- (2) to grant Epsom Downs Racecourse conditional permission to use barceques within the race meetings applied for 2020, namely Ladies Day, The Derby and the Bank Holiday August Race Meetings;**
- (3) to request Epsom Downs Racecourse to provide a report to the Conservators on the outcome of implementing the permission to hold the barbecues.**

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### 1 Background

- 1.1 The future of the racing industry on Epsom Downs has been acknowledged as a consideration in matters affecting the management of the Downs. By way of example, the Epsom & Walton Regulation Act 1984 enabled the Racecourse to enclose the strips of land adjoining the racecourse between Tattenham Corner and the Grandstand, to construct temporary stands and to make charges to the public for admission.
- 1.2 This was intended to provide more income from the few days of racing on Epsom Downs and in particular the Derby Race Meeting in order to secure the future of racing at Epsom. It is against this background the application to hold barbecues was submitted to the Conservators.
- 1.3 At the meeting on the 31 October 2019, the Conservators considered an application from Epsom Downs Racecourse for the use of barbecues at the Racecourse during three racing fixtures, namely: Ladies Day, Derby Day and the August Bank Holiday race meetings.
- 1.4 The issues the Conservators were keen to resolve related to risks and risk management. The extent of use was however limited, so as to allow any risks to be proactively managed. The Racecourse proposed that the use of barbecues would be restricted to specified zones, to three race meetings, for all barbecues to be off the ground, and for mobile teams to be equipped with the necessary firefighting equipment, along trained staff there to assist customers with safe use and disposal of their barbecues.
- 1.5 The Conservators agreed that they were minded to grant conditional permission to the request from the Racecourse, and asked the Council to draw up a scheme, or a set of conditions for the use of barbecues at and by Racecourse and for such scheme/ conditions to be bought back to the Conservators for final approval before any grant of permission.

### 2 Proposals

- 2.1 A set of proposed conditions and permitted area for use are set out at Annex 1. The conditions have been developed in line with good practice guidelines a number of other Boroughs use for such activity.
- 2.2 The proposal would be for these conditions to be imposed on any consent for the use of barbecues by the Racecourse in line with their application for permission. This does not permit anyone else to request permission and nor does it allow for such use anywhere else on the Downs. The permission is personal to the applicant and relates to their operational land in a defined location only.
- 2.3 In drawing up the conditions of use, the arrangements the Racecourse have in place for their own events, has been taken into account in terms of a backdrop and context to both the application and the grant of permission.

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- 2.4 By way of example, one of the events to be included in the permission is 'The Derby', which is an iconic national sporting event with many years of history and tradition. It attracts both national and international interest and attention. Inevitably, the nature of such an event is subject to a raft of legislative and nationally accepted guidance.
- 2.5 As a result of its high profile nature, the event is scrutinised by many public bodies including the Police, County Authority/Borough Councils, Fire Authority etc. Planning for the event is a year long process and involves a number of key stakeholders plus many other industry specialists. In terms of arrangements for example, the Racecourse have advised that appropriately 1000 trained staff are in attendance to maintain the security and safety of all visitors and staff.
- 2.6 In addition, there is a complex network of infrastructure incorporating control rooms and compounds, CCTV and advanced communications is utilised throughout the event. The Racecourse have confirmed that in relation to such events "Safety is the bedrock of all our planning, all activities are risk assessed and appropriately agreed control measures put in place to ensure all visitors are kept as safe as possible."
- 2.7 The Conservators previously agreed any permission should be for a limited period so as to enable a review of both impact and any lessons learnt. It is therefore proposed to grant conditional permission for 1 year. Should the Racecourse wish to apply in future, they would be required to submit a fresh request, which the Conservators would then consider.
- 2.8 Since the previous meeting of the Conservators, the Council have approved a Climate Change Action plan. Although this does not directly impact the work of the Conservators, the Racecourse as a key local business could be asked to consider the effects of Climate Change on the way they operate and to update a future meeting of the Conservators on they work they are undertaking in this regard. They could then also address any issues around air quality which may have arisen from the use of barbecues.
- 2.9 The plan included at Annex 1, setting out the defined areas within which the barbecues would be permitted to be held, is slightly modified from the area contained within the application. The change is to address an issue which may exist with ground conditions within parts of the defined area. No issue is taken with this slight modification to the areas. Annex 2 sets out what was originally proposed by way of comparison.

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

- 3.1 The proposed scheme will require compliance checks to be undertaken by the Council to ensure the conditions of any permission are being met. The Council will review the impact of this during the current permission period and will advise further in the event of future applications.

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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 Downs are regulated by the Epsom & Walton Downs Regulation Act 1984. The purpose of the Act is to protect the Downs and put in place arrangements for its management.

4.2 Section 11 of the Act allows for the making of byelaws. The Conservators have made such byelaws and the current set of byelaws were approved in accordance with the statutory process on the 24 September 2013.

4.3 The current byelaws, provide at byelaw 2(i) (g) the ability of the Conservators to grant consent to the lighting of fires on the Downs,

“2. (i) A person shall not, without the consent of the Conservators, on the Downs:  
(g) camp or light fires”

4.3 The Conservators have agreed in principle to grant permission, subject to conditions. However this permission is not to allow camp or light fires, but to allow the use of barbecues. The proposed conditions along with the operating procedures of the Applicant provide the necessary reassurance that the impact of such activity on the grassland habitat will be managed.

4.4 The granting of any conditional permission does not set a precedent for other applications at the Racecourse. It does not permit any applications to be made anywhere else on the Downs.

4.5 **Monitoring Officer's comments:** none arising from the contents of this report.

### 5 Sustainability Policy and Community Safety Implications

5.1 n/a

### 6 Partnerships

6.1 n/a

### 7 Risk Assessment

7.1 n/a

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### **8 Conclusion and Recommendations**

- 8.1 This report seeks approval for a scheme to enable the in principle conditional permission to use barbecues, to be granted to Epsom Downs Racecourse for the racing days requested by the application for the 2020 calendar.

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