

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

<b>Head of Service:</b>	Jackie King, Director of Corporate Services
<b>Wards affected:</b>	College Ward; Town Ward; Woodcote Ward;
<b>Appendices (attached):</b>	Appendix 1: Draft Conditions Appendix 2: Application from Epsom Downs Racecourse.

### **Summary**

Following the in-principle approval of the use of barbecues at the racecourse during designated periods, the Conservators asked for an operating scheme to be brought forward for final approval.

A scheme was presented to and approved by the Conservators at its meeting 2 March 2020, but never implemented for the intended trial period during 2020, as a result of the Covid 19 pandemic and subsequent National lockdowns.

This report seeks approval for a scheme to enable the in principle conditional permission to use barbecues, to be granted for a trial period during 2022.

### **Recommendation (s)**

**The Conservators are asked to:**

- (1) note the proposed conditions attached at Appendix 1, as previously approved by the Conservators, 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 barbecues within the race meetings applied for 2022, 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, following the trial period.**

## **1 Reason for Recommendation**

- 1.1 To enable a decision previously taken by the Conservators to be enacted, following a delay as a result of the impact of the Covid 19 pandemic.

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### 2 Background

- 2.1 At the meeting on the 28 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.
- 2.2 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 with trained staff there to assist customers with safe use and disposal of their barbecues.
- 2.3 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 the Racecourse and for such scheme/ conditions to be bought back to the Conservators for final approval before any grant of permission.
- 2.4 A scheme was presented to and approved by the Conservators at its meeting of March 2<sup>nd</sup> 2020, but never implemented for the trial period during 2020, as a result of the Covid 19 pandemic and subsequent National lockdowns.

### Proposals

- 2.5 A set of proposed conditions and permitted area for use are set out at Appendix 1. The conditions have been developed in line with good practice guidelines a number of other Boroughs use for such activity.
- 2.6 The proposal, as agreed by the Conservators in March 2020, 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.
- 2.7 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.
- 2.8 The Conservators previously agreed that 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.

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### 3 Risk Assessment

Legal or other duties

#### 3.1 Impact Assessment

3.1.1 None arising from the contents of this report.

#### 3.2 Crime & Disorder

3.2.1 None arising from the contents of this report.

#### 3.3 Safeguarding

3.3.1 None arising from the contents of this report.

#### 3.4 Dependencies

3.4.1 None.

#### 3.5 Other

3.5.1 Not applicable.

### 4 Financial Implications

4.1 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.

4.2 **Section 151 Officer's comments:** None arising from the contents of this report.

### 5 Legal Implications

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

5.2 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"

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- 5.3 The Conservators have agreed in principle to grant permission, subject to conditions. However this permission is not to allow camping or the lighting of 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. Conservators previously agreed in principle to grant permission and are hereby giving consent to Epsom Racecourse to light fires subject to conditions. The proposed conditions limit fires to "barbecues".
- 5.4 Reference to person in Byelaw 2(i) has the same meaning as person in s11 1984 Act. The term 'person' includes a body of persons, whether corporate or unincorporate (Interpretation Act 1978 s 5 and Sch 1). Consent to use barbecues will be given to the following individual(s): Simon Durrant and legal person: Epsom Downs Racecourse (Jockey Club Racecourses)
- 5.5 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.
- 5.6 **Legal Officer's comments:** none arising from the content of this report.

## 6 Policies, Plans & Partnerships

- 6.1 **Council's Key Priorities:** The following Key Priorities are engaged: not applicable.
- 6.2 **Service Plans:** The matter is not included within the current Service Delivery Plan.
- 6.3 **Climate & Environmental Impact of recommendations:** 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 the 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.
- 6.4 **Sustainability Policy & Community Safety Implications:** none arising from the contents of this report.
- 6.5 **Partnerships:** n/a.

## 7 Background papers

- 7.1 The documents referred to in compiling this report are as follows:

**Previous reports:**

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- [Scheme for Barbeques at the Racecourse, 2 March 2020](#)

### **Other papers:**

- Byelaws dated 24.9.2013
- Minutes of the Epsom & Walton Downs Conservators: 27 January 2011, 13 October 2014.
- Report and Minutes, 28 October 2019