

**Minutes of the Meeting of the EPSOM AND WALTON DOWNS CONSERVATORS
held at the Council Chamber, Epsom Town Hall on 19 June 2023**

PRESENT -

Councillor Steven McCormick (the Council) (Chair), Simon Durrant (Jockey Club Racecourses (the Company)) (Vice-Chair), Councillor Christine Cleveland (the Council), Simon Dow (Horserace Betting Levy Board (the Levy Board)), Councillor Liz Frost (the Council), Councillor Bernice Froud (the Council), Councillor Kim Spickett (the Council), Stephen Wallis (Jockey Club Racecourses (the Company)) and Councillor Clive Woodbridge (the Council)

Absent: Andrew Cooper (Jockey Club Racecourses (the Company))

Officers present: Andrew Bircher (Interim Director of Corporate Services), Brendan Bradley (Head of Finance), Justin Turvey (Interim Head of Place Development) Samantha Whitehead (Streetcare Manager), John Samuel (Interim Property Development & Regeneration Manager) and Phoebe Batchelor (Democratic Services Officer)

33 THANKS

The Conservators expressed thanks and appreciation to the dedication and contributions of former Chair, Councillor Liz Frost, during her tenure.

The Conservators also wished to extend thanks for the efforts and dedication of Councillor Jan Mason during her time as a valued member of the Conservators.

34 MINUTES OF THE PREVIOUS MEETING

The Minutes of the previous meeting of the Epsom and Walton Downs Conservators held on 16 January 2023 were agreed as a true record and signed by the Chair.

35 DERBY UPDATE

The Conservators received an update on this year's Derby Festival.

The following matters were considered:

- a) **Note of Congratulations.** A Member of the Conservators extended congratulations to the Jockey Club on the success of the Derby Festival weekend and the efforts gone into the planning and careful execution of

the event under difficult circumstances and with great respect and cooperation of the other users of the downs.

- b) **Explanation of Security Issues.** A Member of the Conservators expressed thanks for the explanation provided by the Vice Chair regarding the security issues that were faced at this year's Derby Festival. The Conservators expressed the hope that the explanation would provide some reassurance to local residents who were concerned about the lack of communication regarding security arrangements for the Derby.
- c) **Royal Attendance.** A Member of the Conservators noted that there was no working Royal in attendance at this year's Derby and asked if there is anything that the Council or the Conservators could do to re-establish that connection with the Royal family and encourage future Royal attendance at the Derby. The Vice Chair responded to inform the Conservators that the Queen attended the Derby in a personal and private capacity instead of as part of a diarised official engagement. It was noted that there was nothing that the Council or Conservators could do to influence the arrangements and there was nothing to suggest that working members of the Royal family would not attend in future years.

Following consideration, the Conservators unanimously resolved to:

- (1) **Note the update on the 2023 Derby from the Epsom Downs Racecourse**

36 FINAL ACCOUNTS 2022-23

The Conservators received a report seeking approval of the Conservators' final accounts for the financial year 2022/23.

Following consideration, the Conservators unanimously resolved to:

- (1) **Receive the final accounts for 2022/23, subject to external audit.**
- (2) **Approve the Annual Governance Statements as set out in section 1 of Appendix 3 to the report.**
- (3) **Consider and approve the Accounting Statements as set out in section 2 of Appendix 3 to the report.**
- (4) **Confirm that the arrangements for the internal audit as set out in the report are effective for auditing purposes.**
- (5) **Authorise the Chair and Clerk to sign the Annual Governance Statement and the Accounting Statements on behalf of the Conservators.**

37 STRATEGIC RISK REGISTER

The Conservators received a report which presented a Strategic Risk Register for the Downs, covering the risks, mitigations, responsibility, and management action required.

The following matters were considered:

- a) **Impact of Climate Change.** A Member of the Conservators raised that an awareness of the impact of climate change on the Downs and the racing industry was not included in the Risk Register. The Member expressed that this issue should be included in future iterations of the Register, to enable the Conservators to decide how best to mitigate the effects. The Interim Director of Corporate Services responded to confirm that further discussion would take place to ensure that Climate Change can be included in the Strategic Risk Register.
- b) **Grassland Fire Risk.** A Member of the Conservators raised that a significant issue faced by the Downs as a result of climate change, is grassland fire. Grassland fires would be detrimental to the training industry and the Conservators noted the need to make a combined approach in reaching out to Surrey Fire and Rescue to determine if they could cope with a grassland fire on the Downs. It was noted that fire risk had not yet been included in the Jockey Club Risk Register.
- c) **Update the Strategic Risk Register.** The Chair informed the Conservators that the Strategic Risk Register is a living document and asked for it to be updated to reflect the following issues:
 - a. the potential risk of fire on the Downs.
 - b. the impact of pollen on the training community on the Downs.

Following consideration, the Conservators unanimously resolved to:

- (1) **Agree the Strategic Risk Register.**

38 RURAL DEVELOPMENT FUND - VISITOR TRAILS AND WAYFINDER PROJECT UPDATE

The Conservators received a report providing an update on the completion of the visitor trails and wayfinder project and the final grant claim submission.

The following matters were considered:

- a) **Picnic Tables.** A Member of the Conservators raised a concern regarding the picnic tables, which had been drilled through without authority. The concern centred around the suggestion of putting umbrellas in the picnic tables and how that would affect horses using the Downs. The Member suggested that a racehorse trainers should be consulted to determine if use of umbrellas in the picnic tables would be appropriate and acceptable.

The Interim Property and Regeneration Manager confirmed that liaison and discussion with the trainers would happen. The Chair suggested that a suitable approach might be for umbrellas to only be permitted to be put out after racehorse training time had ended.

- b) **Bin use by Downs keepers.** A Member of the Conservators raised a question about the bins that have been replaced, asking whether they had made it easier for Downs keepers to empty whether they were anticipated to be able to withstand the heightened use. The Interim Property and Regeneration Manager confirmed that no complaints have been received so far about the bins being hard to empty or move. The Chair followed up to ask if there was still an option to go back to the manufacturers if an issue arose. The Interim Property and Regeneration Manager confirmed that was the case.
- c) **VAT.** A Member of the Conservators asked if the initial bid for the EAFRD grant was filled out incorrectly initially to incur the VAT costs and raised that even though the Conservators are not a VAT registered body, some of the components that make up the Conservators are and queried if that would make a difference to the VAT bill. The Head of Finance responded to state that no matter how the form was filled out, it would always be the case that EAFRD do not fund the VAT element of the project and informed the Conservators that it cannot be reclaimed as the Conservators are the body that incurred the expenditure, and they are not VAT registered.

Following consideration, the Conservators unanimously resolved to:

- (1) **Note the completion of the project.**

39 TREE MANAGEMENT ON THE DOWNS

The Conservators received a report advising them of the current practice of tree safety management on Epsom Downs. It set out the threats posed by Ash Dieback Disease and provided a preliminary assessment of the scale of the disease identified during arboricultural surveys, together with the costs for a programme of tree safety work centred around the initial control of this disease. The Conservators were asked to recognise that Ash dieback works would need to be carried out, and to set aside funds for the works identified as high priority and consider formation of a working panel to undertake the works and explore replanting options.

The following matters were considered:

- a) **Tree Management Funds.** A Member of the Conservators raised that due to the nature of the issue, there would be similar requests for money to manage Ash Tree removal over the coming years and it might be more productive to put money aside to deal with these en masse now rather than dealing with a small amount and continuing to further diminish the reserves of the Conservators. The Chair responded to highlight that 26

high priority trees would be dealt with now if the requested budget of £17,000 was approved. This was in line with the Council's risk-based approach and the Chair confirmed that there would be similar requests for funds in future years to deal with the current medium and low priority trees, as there was not sufficient budget to deal with all high, medium, and low priority trees at once.

- b) **Replenishing reserves.** A Member raised that at some point all precepting members of the Conservators would need to increase their financial contribution in order to replenish the Conservators' reserves and to enable the continued management of issues such as Ash Dieback control. The Chair expressed agreement with the comments.

Following consideration, the Conservators unanimously resolved to:

- (1) **Recognise that Ash Dieback works will need to be carried out on Epsom Downs as the disease progresses.**
- (2) **Confirm that they wished to instruct Officers to form a working panel with representatives from the Downs Keepers, Operational Services (Street Care Manager), Tree Officer and Countryside Officer to formulate a logistical plan to manage Ash Dieback on Epsom Downs, prioritising work that will need to be carried out this summer/autumn.**
- (3) **Set aside £17,000 to be taken from reserves in addition to existing tree maintenance budgets to fund these works.**
- (4) **Consider the funding of a future tree planting plan produced by the working panel to help restore the landscape and biodiversity, subject to receipt of grant aid.**
- (5) **Recognise that there will need to be additional programmes of Ash tree removal as the disease progresses and request a report be prepared for the November meeting to consider future funding and tree management.**

40 FORMATION OF A DOWNS BYELAWS WORKING GROUP

The Conservators received a report seeking approval to form of a Downs Byelaws Working Group and proposing a draft Terms of Reference for comment.

The following matters were considered:

- a) **Legal officer support and timescale for completion.** A Member of the Conservators raised that full support from legal services would be needed when carrying out this work and that the Training Grounds Management Board and the Jockey Club would need to consult with legal advisors about any suggested changes to Byelaws. They further commented that there must be a rigorous revision and checking process on each suggested change and this must be undertaken by all key stakeholders.

The Streetcare Manager informed the Conservators that it can take a considerable amount of time to enact any changes.

- b) **Costs.** A Member of the Conservators queried if the involvement of the Secretary of State incurred costs. The Streetcare Manager confirmed that there were costs but that similar items brought to the Conservators in the past had been covered within budget.
- c) **Draft Terms of Reference.** A Member of the Conservators asked if there was flexibility in the terms of reference of the working group to consider the inclusion of restriction of access onto the racing surface on race days. The Chair responded to confirm that the first point of business for the working group would be to confirm its terms of reference and that the comments would be taken into account.
- d) **Membership of the working group.** The Chair opened it up to members of the Conservators to raise if they wished to join the working group and confirmed that this would be followed up by both the Chair and the Streetcare Manager.

Following consideration, the Conservators unanimously resolved to:

- (1) **Approve the formation of a Downs Byelaws Working Group**
- (2) **Approve the draft Terms of Reference, noting any amendments.**
- (3) **Appoint the Chair of the Conservators to Chair the Downs Byelaws Working Group and appoint at least two additional members of this committee to form part of the group.**
- (4) **To delegate authority to the Chair to appoint/invite additional councillors, stakeholders and officers to the Downs Byelaws Working Group as required.**

41 EPSOM DOWNS MODEL AIRCRAFT CLUB (EDMAC) MOBILITY IMPAIRED PARKING

The Conservators received a report requesting permission for accessible parking to be made available to Epsom Downs Model Aircraft Club (EDMAC) on a permanent basis.

The following matters were considered:

- a) **Parking arrangements for other EDMAC Members.** A Member of the Conservators raised that a concern that due to the nature of the location and activity, other EDMAC members might also be asking for use of the parking arrangement. The Streetcare Manager informed the Conservators that the Top Car Park was open until 9pm during the summer months. This was currently sufficient and had been for many years.

- b) **Discrimination against Blue Badge local residents.** A Member of the Conservators asked if local residents who have Blue Badges were being discriminated against by not having use of the access road and proposed parking. The Streetcare Manager responded to inform the Conservators that there was no official parking in the location to access and that it was proposed to provide accessible parking to EDMAC which is close to where their activity takes place.
- c) **Communication to other users of the Downs.** The Chair asked how the changes could be communicated to other groups who use the Downs in a manner which would avoid conflict. The Streetcare Manager confirmed that with the help of the Council's Democratic Services and Communications teams, the information could be communicated to all Downs Consultative Committee members and key stakeholders in a timely fashion.
- d) **Downs House access.** A Member of the Conservators expressed that when Downs House was back in full operation, there would be a significant amount of vehicular traffic going across the Downs over all hours of the day and night. The Member expressed that it might therefore be difficult to use a combination lock to manage all access, and that an increase in cars driving and parking on the Downs would have an impact on the safe access and egress of the horses, especially if EDMAC members are arriving and setting up before the 12 o'clock agreed time. The Streetcare Manager responded to confirm that the boundaries of the arrangement would be communicated to EDMAC and suggested that a report detailing a review of the EDMAC parking arrangement be brought back to the Conservators in a years' time.
- e) **Disabled Parking.** A Member of the Conservators expressed that it would be productive to establish disabled parking spaces in the Mile End Car Park and create a new access route onto the Downs that is accessible to disabled members of the public and wheelchair users, but not for vehicles.
- f) **Amendment to recommendation.** Stephen Wallis proposed an amendment to recommendation 1 of the report as follows:
- a. "Grant permission for four accessible parking spaces near to the flying area, made available to members of EDMAC who are in possession of a blue badge **for a period of 1-year.**"
 - b. This amendment was unanimously agreed by the Conservators.
- g) **Additional Recommendation.** The Chair proposed an additional recommendation as follows:
- c. "A report would be brought to the Conservators in a years' time to review the parking arrangement and that the item would be added to the Forward Plan."
 - d. This amendment was unanimously agreed by the Conservators.

Following consideration, the Conservators resolved to:

- (1) Grant permission for four accessible parking spaces near to the flying area, made available to members of EDMAC who are in possession of a blue badge for a period of 1-year.**
- (2) A report reviewing the arrangement will come back to the Conservators in June 2024 and the item will be added to the Forward Plan.**

The meeting began at 6.45 pm and ended at 7.58 pm

COUNCILLOR STEVEN MCCORMICK (CHAIR)