

EPSOM DOWNS RACING SEASON 2024

Head of Service:	Piero Ionta, Head of Legal and Monitoring Officer
Wards affected:	College Ward; Town Ward; Woodcote and Langley Vale Ward;
Appendices (attached):	N/A

Summary

This report informs the Conservators of dates for race meetings in 2024 and presents a request from Jockey Club Racecourses 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)

The Conservators are asked to:

- (1) Note the dates of the 2024 racing season for Epsom Downs detailed in paragraph 2.1 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:**
 - **Wednesday 3 July (Evening)**
 - **Thursday 11 July (Evening)**
 - **Thursday 18 July (Evening)**
 - **Thursday 1 August (Evening)**
 - **Sunday 29 September**
- (2) Note that Jockey Club Racecourses has applied to Surrey County Council for the temporary suspension of Footpath 50 and Footpath 51 as detailed in section 4 of this report.**
- (3) Consider and determine an application from Jockey Club Racecourses for consent under the Byelaw 2 (i) (a) to extend the fencing period for the Upper Tattenham Enclosure and Lonsdale Enclosure for 4 days to cover the period 13 May - 16 May 2024.**

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- (4) Consider and determine an application from Jockey Club Racecourses 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 – 18 June 2024.**

1 Reason for Recommendation

- 1.1 Jockey Club Racecourses is required by the Epsom and Walton Downs Regulation Act 1984 and Epsom and Walton Downs Byelaws to seek the consent of the Conservators for race meetings held at certain times and extensions to the periods permitted for fencing.
- 1.2 The recommendations of this report present Jockey Club Racecourses' requests for consent for the 2024 race season for the Conservators consideration.

2 Background

- 2.1 Jockey Club Racecourses has informed the Clerk of the planned dates of its race meetings in 2024. These are as follows:

- Tuesday 23 April
- Friday 31 May (Ladies' Day)
- Saturday 1 June (Derby Day)
- Wednesday 3 July (Evening)
- Thursday 11 July (Evening)
- Thursday 18 July (Evening)
- Thursday 1 August (Evening)
- Friday 16 August
- Monday 26 August (Bank Holiday)
- Thursday 12 September
- Sunday 29 September

3 Applications for Evening and Sunday race meetings

- 3.1 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.

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3.2 Jockey Club Racecourses requests the consent of the Conservators to the following race meetings (also listed above):

- Wednesday 3 July (Evening)
- Thursday 11 July (Evening)
- Thursday 18 July (Evening)
- Thursday 1 August (Evening)
- Sunday 29 September

4 Application for temporary suspension of Footpath 50 and Footpath 51

4.1 Jockey Club Racecourses will apply to Surrey County Council for the temporary suspension of Footpath 50 and Footpath 51 over the Derby period. Footpath 50 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 7 years. Footpath 51 cuts through the Grandstand enclosure and leads to the tunnel under the racecourse Track and is a new application for 2024. Whilst this is a matter for consideration by the County Council, the Conservators are notified for their information.

5 Application for racing-related fencing

5.1 Specific elements of the racing-related fencing applications submitted by Jockey Club Racecourses 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 6 and 7 below.

5.2 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).

6 Application for extension of the Upper Tattenham Enclosure fencing period

6.1 Jockey Club Racecourses has requested permission for one extension to the fencing period for the Upper Tattenham Enclosure during the 2024 racing season. The requested extension is as follows:

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6.1.1 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 2024. Under paragraph (4) (d) (i) of section 17 of the Act, Epsom Downs Racecourse is permitted to install this fencing from Friday 17 May 2024.

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

7 Application for extension of the Lonsdale Enclosure fencing period

7.1 Jockey Club Racecourses has requested permission for two extensions to the fencing period for the Lonsdale Enclosure during the 2024 racing season. The requested extensions are as follows:

7.1.1 A 4-day extension to the set-up period for steel security fencing and turnstile blocks for the Lonsdale between Monday 13 May – Thursday 16 May 2024.

7.1.2 A 7-day extension from Wednesday 12 June to Tuesday 18 June 2024.

7.2 Similar extensions to these have been approved by the Conservators for a number of years, but specific dates have varied depending on the racing calendar.

8 Summary and Calendar

8.1 A summary of the fencing extensions requested is included in the table below.

Fencing location	Fencing extension requested (2024)	No. of days requested	Requested/granted last year?
Upper Tattenham Enc.	13 – 16 May	4 days	Yes. Granted.
Lonsdale Enc.	13 – 16 May	4 days	Yes. Granted.
Lonsdale Enc.	12 – 18 June	7 days	Yes. Granted.

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9 Previous decisions

- 9.1 A fencing-period extension in advance of the Derby Festival has been requested by the Racecourse and granted by the Conservators for the past 22 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.
- 9.2 The Conservators have subsequently considered and approved similar extensions in each year they have been requested.

10 Risk Assessment

Legal or other duties

10.1 Equality Impact Assessment

10.1.1 To mitigate potential impact upon Downs users Jockey Club Racecourses has undertaken to provide a work schedule for all fencing to the Clerk prior to its installation.

10.1.2 To mitigate the impact of the requested extension to the fencing period for the Lonsdale Enclosure, Jockey Club Racecourses 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.

10.2 Crime & Disorder

10.2.1 None.

10.3 Safeguarding

10.3.1 None.

10.4 Dependencies

10.4.1 None.

10.5 Other

10.5.1 The Conservators have considered and approved similar fencing-period related extensions for the past 22 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.

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11 Financial Implications

11.1 None.

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

12 Legal Implications

12.1 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...”

12.2 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.

12.3 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.

12.4 **Legal Officer's comments:** The legal implications are contained in this report.

13 Policies, Plans & Partnerships

13.1 **Council's Key Priorities:** Not relevant to this report.

13.2 **Service Plans:** Not relevant to this report.

13.3 **Climate & Environmental Impact of recommendations:** None.

13.4 **Sustainability Policy & Community Safety Implications:** None.

13.5 **Partnerships:** None.

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14 Background papers

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

Previous reports:

- [Epsom Downs Racing Season 2023 report and Minutes – meeting of the Conservators held 16 January 2023](#)

Other papers:

- Epsom and Walton Downs Regulation Act 1984
- Epsom and Walton Downs Byelaws