

## VENDING ON EPSOM AND WALTON DOWNS

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**Wards affected:** College Ward; Town Ward; Woodcote and Langley Vale Ward;  
**Appendices (attached):**

### Summary

To discuss the feasibility of allowing vending on areas of Epsom and Walton Downs.

### Recommendation (s)

#### The Conservators are asked to:

- (1) Agree to move the Soft Ice Cream vendor to the Downskeeper's Hut Car Park on the grounds of safety.**
- (2) Agree to advertise for submissions from mobile catering operators to provide catering facilities on Epsom and Walton Downs in Top Car Park and View Point Car Park for a six month trial period.**
- (3) Agree to delegate the award of mobile catering contracts to the Chair and Vice Chair of the Conservators.**

### 1 Reason for Recommendation

- 1.1 For many years, officers have received requests from mobile catering providers to trade on Epsom and Walton Downs outside of the racing season. To date these requests have been denied due to the sensitivities of the area and the potential conflict with the permanent catering outlet known locally as The Tea Hut.
- 1.2 As a result of recent approaches from mobile catering vendors and a desire to re-position the current Soft Ice Cream vendor to a safer location, it is considered that allowing a limited amount of additional catering traders may be an opportunity to raise much needed funds for the Conservators and provide the public with additional refreshment facilities.

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### 2 Background

- 2.1 At the meeting of the Epsom and Walton Downs Consultative Committee on the 16 October 2024, the committee resolved to carry out a risk assessment of the safety of the location of the Soft Ice Cream Vendor who currently operates under a Street Trader's Licence on the corner of the Old London Road opposite the Downskeepers' Hut.
- 2.2 Officers followed this up by speaking with the Soft Ice Cream vendor and it was agreed that this location was far from ideal as it is currently on a busy roundabout with pedestrians crossing the Old London Road from the Downskeepers' Hut Car Park and the main road (B290) Tea Hut Car Park to make purchases.
- 2.3 The Vendor explained that when the grass Car Park (known as the Hyperion Car Park) closed around 2016/17 due to vehicle related anti-social behaviour, the public then had no choice but to park in the Downskeepers' Hut Car Park or the Tea Hut Car Park, both which involved crossing busy roads.
- 2.4 The Vendor is keen to reduce the risk and is happy to explore other options, the most favourable would be to be relocated to the Downskeepers' Hut Car Park.
- 2.5 Officers agreed to investigate this and take legal advice to determine if the Epsom & Walton Downs Regulation Act 1984 would allow Conservators to grant permission for vending on the Downs.
- 2.6 If the Conservators had the ability to grant consent, they may then decide to relocate the Soft Ice Cream Vendor to the Downskeepers' Hut Car Park on the grounds of safety and consider whether they wanted Officers to explore further vending opportunities on the Downs.

### 3 The Epsom and Walton Downs Regulation Act 1984

- 3.1 The Introduction to the Epsom and Walton Downs Regulation Act 1984 states the following:

"This report is intended to provide a history of the action taken in discharging the Council's instructions to promote a Bill to repeal and re-enact the Epsom and Walton Downs Regulation Act 1936 with additional, consequential, and supplemental provisions. It will also provide a background document for use by present and future Members and Officers of the Council and the Epsom and Walton Downs Conservators.

The Epsom and Walton Downs Regulation Act 1936, lasted for some 48 years and has now been replaced by the 1984 Act which will govern the future of Epsom and Walton Downs with all the racing, training, recreational and countless other activities which take place in this historic setting. The Borough Council have taken four years to achieve their objective of providing a proper framework of control for the future and

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the results of their labours will be enjoyed by countless millions of people in future years.”

3.2 Under the section Principle Changes the 1984 Act states the following:

“Apart from the new provisions relating to horse riding on the Downs the Byelaw making powers have been amended to enable the Conservators to prohibit the use of metal detectors, prohibit or regulate the playing of radios and musical instruments, control the selling, hawking or hiring of any article, prohibit the public from walking on the racecourse and controlling dogs in the interests of the safety of horses and their riders. An attempt has been made to forecast future recreations pursuits which might interfere with the enjoyment of others. An opportunity has been taken to include Byelaw making powers in respect of aircraft and flying devices which would include for example hang gliding and power driven models. The Act makes specific reference to the Helicopter Pad, Television Towers and Police Enclosure. The Conservators have additional powers of control over the Fair Ground.”

3.3 The Conservators would therefore need to give consent to allow trading under Byelaw 2. (j) sell or offer or expose for sale or let to hire or offer or expose for letting to hire any commodity or article or provide any service.

## 4 Proposal

4.1 Given that the Conservators can grant approval for vending on the Downs, members must now consider whether they would like to Officers to move the Soft Ice Cream Vendor to the Downskeepers' Hut Car Park and advertise for prospective mobile catering operators to trade on the Downs at the Top Car Park (Mile Post) and the View Point Car Park.

4.2 If submissions are received, they will be evaluated by Officers, the Chair and the Vice Chair and successful candidates will be awarded a trial contract of six months, with a review at the end of the period.

4.3 An update on the success of the trial will be presented to Conservators at their meeting in January 2025.

## 5 Risk Assessment

Legal or other duties

5.1 Equality Impact Assessment

5.1.1 Submissions will be accepted from all mobile catering operators and evaluated on their ability to provide a quality service to the public and their offer of remuneration to the Conservators.

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### 5.2 Crime & Disorder

5.2.1 There is a risk that providing mobile catering on the Downs at the wrong time of day, may attract anti-social behaviour and an increase in litter. To mitigate this risk, waste management should form part of the terms and conditions with mobile catering operators and the Conservators must have a break clause written into the contract that offers sufficient flexibility to stop the operation on the grounds of health and safety and/or an influx of anti-social behaviour.

### 5.3 Safeguarding

5.3.1 None for the purpose of this report

### 5.4 Dependencies

5.4.1 None for the purpose of this report

### 5.5 Other

5.5.1 There is a risk that allowing further mobile catering operators on the Downs will be detrimental to the existing vendor.

5.5.2 There is a risk that introducing further catering facilities on the Downs without the provision of public conveniences, will be viewed negatively by the public. This risk is somewhat mitigated by the public's access to toilets at Epsom Cemetery, The Derby Arms Public House, The Tattenham Corner Public House, The Rubbing House and Epsom Downs Station.

## 6 Financial Implications

6.1 If the Conservators agree to move to the existing Soft Ice Cream Vendor to Downskeepers' Hut Car Park, then it is proposed that an equal amount to the existing Street Trading Licence fee of £901 per annum is charged by the Conservators to the operator for the right to trade on the Downs. This charge should be reviewed and increased on an annual basis.

6.2 Submissions from mobile catering operators will be awarded with consideration given to their ability to provide a quality service and the level of financial remuneration offered.

6.3 All funds received will be ring-fenced to the Epsom & Walton Downs Conservators budgets and used to off-set running costs.

6.4 **Section 151 Officer's comments:** Financial implications are set out in the body of the report.

## 7 Legal Implications

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- 7.1 The Legal implications are set out in section 3 of this report.
- 7.2 A licence agreement setting out terms and conditions will need to be drawn up for any vending on the Downs.
- 7.3 **Legal Officer's comments:** None other than as set out in this report.

### 8 Policies, Plans & Partnerships

- 8.1 **Council's Key Priorities:** The following Key Priorities are engaged:
- Opportunity and Prosperity
- 8.2 **Service Plans:** The matter is not included within the current Service Delivery Plan.
- 8.3 **Climate & Environmental Impact of recommendations:** None for the purpose of this report.
- 8.4 **Sustainability Policy & Community Safety Implications:** Relocating the Soft Ice Cream vendor is necessary on the grounds of safety.
- 8.5 **Partnerships:** None for the purpose of this report

### 9 Background papers

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

**Previous reports:**

- None

**Other papers:**

- Minutes of the Epsom and Walton Downs Consultative Committee  
16 October 2023