

REVIEW OF CURRENT GOVERNANCE ARRANGEMENTS

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Wards affected:	College Ward; Town Ward; Woodcote and Langley Vale Ward;
Appendices (attached):	None

Summary

This report asks the Conservators to consider whether any changes may be required to the Epsom and Walton Downs Regulation Act 1984 to ensure the continued effective governance, management, and operation of Epsom and Walton Downs following Local Government Reorganisation (LGR).

Epsom & Ewell Borough Council is due to be dissolved on 31 March 2027, with the new East Surrey Council assuming responsibilities and services from 1 April 2027.

This report invites the Conservators to initiate early discussion on whether amendments or clarifications to the Act, or associated governance arrangements, may be required to support a smooth transition and continuity of function.

Recommendation (s)

The Conservators are asked to:

- (1) Consider the potential implications of LGR changes for the governance and operation of the Conservators under the Epsom and Walton Downs Regulation Act 1984.**
- (2) Identify any areas within the Act, or associated governance arrangements, that may require amendment, clarification, or further review.**
- (3) Recommend to Full Council any proposed additions, amendments, or clarifications for comment by East Surrey Shadow Councillors representing Epsom and Ewell wards, to then be submitted to Ministry of Housing, Communities & Local Government (MHCLG) for consideration.**

1 Reason for Recommendation

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- 1.1 The recommendations set out the necessary assessment and debate required so that the Conservators continue to operate effectively and lawfully following the abolition of Epsom & Ewell Borough Council, and that governance arrangements remain clear and fit for purpose under the successor authority.

2 Background

- 2.1 The Epsom and Walton Downs Regulation Act 1984 ('the 1984 Act') provides the statutory framework governing the management and use of Epsom and Walton Downs. It establishes the Conservators and sets out their composition, powers, and responsibilities.
- 2.2 The Conservators are responsible for preserving the Downs and balancing public access with racehorse training and events.
- 2.3 The Act includes provisions relating to:
 - 2.3.1 Membership of the Conservators (including appointments by the Council and other bodies)
 - 2.3.2 Management and maintenance of the Downs
 - 2.3.3 Public access rights and restrictions
 - 2.3.4 Financial arrangements (including the setting of budgets and precepts)
- 2.4 Local government reorganisation in Surrey will result in the abolition of Epsom & Ewell Borough Council on 31 March 2027, with a new unitary authority (East Surrey Council – 'ESC') created to take on its functions.
- 2.5 This structural change raises questions about how references within the 1984 Act to "the Council" and related governance arrangements will operate in practice following transition.
- 2.6 Due to LGR, any existing council appointments will move from Epsom and Ewell Borough Council to East Surrey Council as of vesting day on 1 April 2027.
- 2.7 MHCLG have and continue to review any changes that require legislative actions to be taken to give effect to LGR. The current position is that any reference to Epsom and Ewell Borough Council within the 1984 Act shall simply be changed to East Surrey Council and that no further changes are necessary to deal with the transition that shall take place on vesting day (1 April 2027).
- 2.8 Therefore, Conservators are invited to debate if there are any specific request that they would like MHCLG to consider that it believed to be necessary to allow for the transition to East Surrey Council to be effective.

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- 2.9 These requests will then be shared with East Surrey Council shadow councillors representing Epsom and Ewell wards for their comments before they are shared with MHCLG. MHCLG have indicated that they will only consider proposed changes that have the support of both the predecessor and successor councils.

3 Implications for the Conservators

- 3.1 The reorganisation may have implications including (but not limited to):

3.1.1 Membership and appointments

The Act specifies that a number of Conservators are appointed by the Borough Council. As of 1 April 2027, this shall become East Surrey Council.

3.1.2 Governance and accountability

Any references within the Act to the Borough Council's roles, responsibilities, or oversight will switch to East Surrey Council.

3.1.3 Financial arrangements

The current framework for funding, including budgeting and precepts, may require review to ensure continuity under the new authority. As noted above, any current requirement upon Epsom and Ewell Borough Council shall transfer to East Surrey Council unless changes are requested at this stage.

3.1.4 Staffing and operational support

Epsom & Ewell Borough Council currently supports the Conservators, including employing Downskeepers.

These arrangements for staffing and support services go beyond the current wording of the 1984 Act and are likely to require discussion with East Surrey Council as the successor authority during the shadow period.

3.2 Considerations for the Conservators

The Conservators may wish to consider:

- Whether the current wording of the Act remains appropriate following reorganisation.
- Whether any amendments or supplementary governance arrangements may be required, and if so, noting the reasons why such changes are necessary to aid the smooth transition between EEBC to ESC.

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4 Risk Assessment

Legal or other duties

4.1 Equality Impact Assessment

4.1.1 None.

4.2 Crime & Disorder

4.2.1 None.

4.3 Safeguarding

4.3.1 None.

4.4 Dependencies

4.4.1 None.

4.5 Other

4.5.1 None.

5 Financial Implications

5.1 The proposed review is not expected, in itself, to give rise to any immediate additional financial commitments. However, Local Government Reorganisation (LGR) may have implications for the future funding, budgeting and financial governance arrangements of the Conservators.

5.2 **Section 151 Officer's comments:** It will be important to ensure that any amendments or clarifications to the Epsom and Walton Downs Regulation Act 1984 provide a clear and robust framework for financial accountability under East Surrey Council, maintaining continuity of funding and avoiding ambiguity in responsibility.

5.3 Any proposed changes with financial implications should be subject to further detailed assessment as part of the transition planning process to ensure affordability and alignment with the successor authority's medium-term financial strategy.

6 Legal Implications

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- 6.1 Further to the Surrey (Structural Changes) Order 2026, the Local Government and Public Involvement in Health Act 2007 (“the 2007 Act”) and associated transitional regulations, the basic position is that references to predecessor councils in legislation will generally transfer automatically to the new unitary authorities save for limited circumstances where specific amendments may be required through what is colloquially referred to as ‘mop-up legislation’ which is a supplemental statutory instrument made by Parliament adopting the same process used to make the Surrey (Structural Changes) Order.
- 6.2 The ‘mop-up legislation’ is used where provisions are location-specific, and where legislation includes fixed numbers relating to existing councils.
- 6.3 MHCLG have approached Epsom and Ewell Borough Council and all other councils across Surrey to seek clarity as to whether or not there are any issues that require addressing by way of ‘mop-up legislation’. In light of that request MHCLG will be spending the next few months looking to put together a suitable bill to go through Parliament later this year.
- 6.4 They have been clear that whilst they welcome any proposed changes that predecessor council may have, it is imperative that the proposed changes must be necessary to the smooth transition to the successor council and have the support of those councillors recently elected to those successor councils.
- 6.5 It should be noted that if any changes are proposed to byelaws, that these are unlikely to be considered as part of this process as there is a separate process for making changes, which there is insufficient time and resource to do prior to vesting day.
- 6.6 **Legal Officer’s comments:** Any relevant comments are included within the body of this report.

7 Policies, Plans & Partnerships

- 7.1 **Council’s Key Priorities:** The following Key Priorities are engaged:
 - Effective Council
- 7.2 **Service Plans:** The matter is not included within the current Service Delivery Plan.
- 7.3 **Climate & Environmental Impact of recommendations:** None.
- 7.4 **Sustainability Policy & Community Safety Implications:** None.
- 7.5 **Partnerships:** As detailed in this report, any proposed additions, amendments, or clarifications to the Act recommended by the Conservators will require separate consideration by Epsom and Ewell Borough Council and East Surrey Shadow Councillors prior to submission to MHCLG.

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7.6 **Local Government Reorganisation Implications:** The implications of LGR are detailed in section 3 of this report.

8 Background papers

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

Other papers:

- [Epsom and Walton Downs Regulation Act 1984](#)
- [Epsom and Walton Downs Conservators Byelaws](#)