

CURRENT GOVERNANCE ARRANGEMENTS - EPSOM AND WALTON DOWNS CONSERVATORS

Head of Service:	Jackie King, Chief Executive
Report Author:	Phoebe Batchelor
Wards affected:	College Ward; Town Ward; Woodcote and Langley Vale Ward;
Appendices (attached):	Appendix 1 – Epsom and Walton Downs Governance Changes Proposal Appendix 2 – Epsom Racecourse Proposal

Summary

On 22 June and 2 July 2026, the Epsom and Walton Downs Conservators considered the potential implications of Surrey Local Government Reorganisation (LGR) for the governance and operation of the Conservators under the Epsom and Walton Downs Regulation Act 1984. The Conservators were invited to identify any provisions of the Act, or associated governance arrangements, that may require amendment, clarification or further review to support the transition from Epsom & Ewell Borough Council to East Surrey Council on 1 April 2027.

This report presents the outcome of those considerations and seeks Council's approval of any recommendations proposed by the Conservators before they are submitted to the Ministry of Housing, Communities and Local Government (MHCLG) for consideration as part of the legislative changes associated with LGR.

Recommendation (s)

The Council is asked to:

- (1) Approve and adopt the recommendations identified by the Conservators.**
- (2) Authorise the Chief Executive in their capacity as Clerk to the Conservators to submit any adopted proposals, following consideration and receiving approval of a majority of East Surrey Council shadow councillors representing Epsom and Ewell wards, to MHCLG for consideration as part of the Local Government Reorganisation legislative review process.**

1 Reason for Recommendation

Council

21 July 2026

- 1.1 The Council is asked to consider the outcome of the Conservators' review and determine whether any proposed amendments, clarifications or additional governance measures are necessary to ensure the continued effective governance and operation of the Epsom and Walton Downs Conservators following the abolition of Epsom & Ewell Borough Council on 31 March 2027.

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 The Conservators have set out specific, in Appendix 1, requests that they would like MHCLG to consider, that they believe to be necessary to allow for the transition to East Surrey Council to be effective.

Council

21 July 2026

- 2.9 These requests have been shared with East Surrey Council shadow councillors representing Epsom and Ewell wards for their consideration and are currently being reviewed by them. Their comments will be incorporated in Appendix 1 before it is submitted to MHCLG.
- 2.10 The Jockey Club (Epsom Racecourse) have submitted an additional separate proposed amendment to the Act, as set out within Appendix 2. The proposed amendment was raised and discussed by Conservators at the Conservators Working Group Meeting.

3 Implications

- 3.1 The Conservators identified a number of areas that may be affected by Local Government Reorganisation, including:
 - 3.1.1 Membership and appointments to the Conservators.
 - 3.1.2 Governance and accountability arrangements.
 - 3.1.3 Financial governance and budgeting arrangements.
 - 3.1.4 Staffing and operational support arrangements.
- 3.2 Whilst existing statutory functions are expected to transfer automatically to East Surrey Council, consideration has been given to whether any additional legislative clarification may be beneficial in ensuring continuity and avoiding ambiguity following vesting day.

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 5.1 The Epsom and Walton Downs Conservators operate under separate statutory financial arrangements established by the Epsom and Walton Downs Regulation Act 1984. The recommendations within this report relate primarily to governance and constitutional matters arising from Local Government Reorganisation and do not, at this stage, create any additional financial liabilities for the Council.
- 5.2 **Section 24 considerations:** There are no Section 24 conditions arising directly from the recommendations contained within this report.
- 5.3 **Section 151 Officer's comments:** The proposals are intended to provide continuity and clarity of governance following the transition to East Surrey Authority. And based on the information set out in the report, there are no immediate financial implications for Epsom & Ewell Borough Council. However, it is important that any changes proposed to MHCLG do not inadvertently alter the existing financial responsibilities, funding arrangements or liabilities associated with the Conservators without full consideration of the impact on the successor authority.

6 Legal Implications

- 6.1 **Legal Officer's comments:** None other than as set out in the 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:** These proposals have been shared with East Surrey Council shadow councillors, as set out in paragraph 2.9 of this report, to facilitate their comments.
- 7.6 **Local Government Reorganisation Implications:** This report directly relates to the implementation of Surrey Local Government Reorganisation and seeks to ensure that governance arrangements for the Conservators remain effective and legally robust for vesting day.

8 Background papers

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

Council
21 July 2026

Previous reports:

- [Review of Current Governance Arrangements – 22 June 2026](#)

Other papers:

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