

REPAIRS TO WATER PIPES ON TRAVELLERS' SITE

Report of the: Downs Manager
Contact: Sam Beak
Annexes/Appendices (attached): None
Other available papers (not attached): Epsom and Walton Downs Regulation Act 1984
Epsom and Walton Downs Byelaws

REPORT SUMMARY

This report details the need for repair works to water pipes located within the travellers' site on Epsom Downs.

RECOMMENDATION (S)

- (1) That the Conservators note the repair works necessary to the water pipes located within the travellers' site as detailed at 2.1 and 2.2.**
- (2) That the Conservators note the legal position in terms of responsibility for the water pipes and consider if they wish to contribute to the cost of the repairs.**

1 Background

- 1.1 During the Derby, the Conservators provide a temporary traveller site on Epsom Downs.
- 1.2 Historically the provision of water has been made available on the site through local water standpipes although there is no requirement within the Epsom and Walton Downs Regulation Act 1984 to do so.
- 1.3 The water pipes are 1 inch metal pipes that are buried in the ground and were installed circa 1960 prior to the Epsom and Walton Downs Regulation Act 1984.
- 1.4 Each year the two outlets alongside the entrance road are becoming difficult to attach to due to the pipework deteriorating and rusting away. There are concerns that the pipe will eventually fail.

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- 1.5 The Downs Manager has been informed by the General Manager of Epsom Downs Racecourse that they are now facing additional regulations that must be complied with such as 'backflow' and 'chlorination' and for that reason repairs must be made to the pipes in order to continue the supply of water to the traveller site.

2 Proposals

- 2.1 The proposal is to replace the old metal pipe with new plastic pipe at the outlets alongside the entrance road complete with fitted backflow valves.
- 2.2 The Jockey Club has received a quote from a suitable contractor and, dependent upon the groundworks required, which are unknown until further investigation is carried out, will be between £2,800 and £4,650 +vat.

3 Financial and Manpower Implications

- 3.1 There is no dedicated revenue budget for this work; any approved expenditure will affect either the working balance or the repairs and renewals reserve.
- 3.2 The working balance is forecast to be £49,499 at 31 March 2018 and the repairs and renewals reserve is forecast to be £30,860 at 31 March 2018.
- 3.3 **Chief Finance Officer's comments:** The cost of repairing the water stand-pipe is not included in the current forecast for 2017/18. If the Conservators decide to contribute towards the repairs then it would be prudent to use the repairs and renewals reserve to fund the contribution. The potential costs (at £4,650 + vat) represents 18% of the repairs and renewals reserve.

4 Legal Implications (including implications for matters relating to equality)

- 4.1 The Conservators duties and powers are set out at s10 of the Epsom and Walton Downs Regulation Act 1984 (the Act). The Act does not give the Conservators any rights to the laying of water pipes or the maintenance of such pipes.
- 4.2 Under s16 of the Act the Conservators may provide a temporary site for accommodation of caravans and impose charges for use of this. There is no provision (like there is for car parking) that charges must be spent on the site.
- 4.3 At the time of writing this report no other agreements or documentation have been provided in relation to the water pipes. On that basis and given the legal position that the Conservators do not have any rights to run pipes, the pipes must belong to the Owner of the land which is the Jockey Club.

- 4.4 Currently the Jockey Club provide the water and the standpipes and it is therefore their cost to maintain these. However, there is no duty on them to do so and they would be entitled to make a decision not to provide water anymore. This is likely to result in difficulties with the traveller site and therefore it may be that the Conservators wish to consider contributing to the cost or paying the full amount.
- 4.5 **Monitoring Officer's comments:** The legal implications are considered in full within the body of this report. If it is agreed that a contribution should be made it is recommended that this position is formalised in an agreement so that the responsibilities of the Conservators and Owner are clearly set out.

Whatever decision is made in relation to the costs of the works, Epsom and Walton Downs Byelaws state at Byelaw 2. (i) that;

A person shall not, without consent of the Conservators, on the Downs:

(e) dig or take any stem, chalk, soil or other materials or take turf sods, trees, flowers, shrubs, plants or grass or use any device designed or adapted for detecting or locating any metal or mineral in the ground.

- 4.6 As no authority is given in the Act for the Owner or Conservators to lay and maintain pipes in this area the Byelaws will need to be complied with. Therefore permission will need to be given by the Conservators for the works to be undertaken.

5 Sustainability Policy and Community Safety Implications

- 5.1 If the Conservators decide to contribute or pay in full for the repairs to the water pipes, they are likely to be taking responsibility for a share in the long term maintenance of the water pipes unless specified otherwise in an agreement. This would have sustainability implications in terms of financial resource.
- 5.2 There may also be a community safety implication if water is no longer provided in the traveller site. If the site has no water provision it would become less attractive to use and may result in travellers seeking alternative options to obtain water.

6 Partnerships

- 6.1 None for the purpose of this report.

7 Risk Assessment

- 7.1 If water is to continue to be supplied to the traveller site during the Derby period, then health & safety regulations must be met. If the repairs to the water pipes are not carried out then there is a risk of future litigation.

- 7.2 If a decision is taken to stop the provision of water to the traveller site during the Derby period, it could lead to difficulties with the travellers.

8 Conclusion and Recommendations

- 8.1 The water pipes that service the traveller site are in need of repair in order to make them compliant with health & safety water regulations.
- 8.2 The ownership of the pipes falls with the Jockey Club who also supply the water.
- 8.3 There is no duty on the Conservators or the Jockey Club to provide water for the traveller site, however if this water provision was withdrawn then it may cause issues with those travellers who annually use the site.
- 8.4 The Conservators are asked to note the repair work necessary to the water pipes and to consider whether they wish to contribute to the cost of the repairs. It should be noted that charges are made to travellers who choose to use the site and these are retained by the Conservators.

WARD(S) AFFECTED: College Ward; Woodcote Ward;