

<b>Committees:</b>	<b>Dated:</b>
Hampstead Heath Consultative Committee – for discussion	09/03/2020
Hampstead Heath, Highgate Wood & Queen’s Park Committee – for decision	11/03/2020
<b>Subject:</b> Hampstead Heath Swimming Review 2020	<b>Public</b>
<b>Report of:</b> Director, Open Spaces Department	<b>For Discussion / Decision</b>
<b>Report author:</b> Bob Warnock, Open Spaces Department	

### **Summary**

A full review of the Hampstead Heath Swimming Facilities has been undertaken, in conjunction with Health and Safety advice received following a fatality at the Highgate Men’s Bathing Ponds in June 2019. The Health and Safety Executive confirmed that there were no material breaches and provided advice in relation to Lifeguard breaks and alertness, maximum bather loading, minimum Lifeguards numbers and Lifeguard training. The report sets out the improvements required to address the Health and Safety issues, visitor access, rapidly increasing demand and presents options to secure the long-term financial sustainability of the Bathing Ponds.

### **Recommendations**

It is recommended that:

- Members note the outcomes of the Swimming Review.
- The views of the Hampstead Heath Consultative Committee are conveyed to the Hampstead Heath, Highgate Wood and Queen’s Park Committee at their meeting on 11 March 2020.
- Members of the Hampstead Heath, Highgate Wood and Queen’s Park Committee approve the level of subsidy for the Bathing Ponds, and set the Charges for 2020/21, as detailed in paragraph 19.
- Members of the Hampstead Heath, Highgate Wood and Queen’s Park Committee approve to freeze all Swimming Season Tickets prices until April 2021, as detailed in paragraph 20.
- Members of the Hampstead Heath, Highgate Wood and Queen’s Park Committee approve charging Model Option 3, as set out in paragraph 33.
- Members of the Hampstead Heath, Highgate Wood and Queen’s Park Committee approve a package of Concessions, as set out in paragraph 38.

## Main Report

### Background

1. In the light of exceptional popular summer seasons in 2018 and 2019, as well as a fatality at the Highgate Men's Bathing Pond in June 2019 and multiple incidents of physical and verbal abuse against Heath staff, the City Corporation has commenced the first large scale Swimming Review since 2005.
2. The Review has focused on:
  - Taking account of the Health and Safety Executive advice (8 October 2019)
  - Fulfilling our responsibilities in relation to our Duty of Care towards visitors, Lifeguards and wider Heath Staff;
  - Responding to the increased demand for cold water swimming on the Heath. Swimming visits at the Bathing Ponds are estimated to have increased by over 300,000 visits since 2010/11, to over 655,000 visits per year;
  - Ensuring the swimming facilities are inclusive and welcoming to a diverse range of visitors;
  - Applying clear and fair charging arrangements to ensure the long-term financial sustainability of the swimming facilities.
  - Ensuring the City Corporation has effective communications and appropriate technology in place to promote and collect the swimming charges.
3. In February 2005, the Hampstead Heath Management Committee agreed the following charging arrangements for the Bathing Ponds,

*“From 1 June 2005, a self-policing £2 charge (£1 concessions) and an annual payment scheme giving unlimited use for regular swimmers at all three ponds, be introduced, producing an estimated income of £80,000”.*
4. Members should note that the Hampstead Heath Swimming Regulations (January 1990) set out the requirement to pay to use the Swimming Facilities.
5. These charges have remained unchanged for 15 years. During the development and implementation of the Hampstead Heath Ponds Project it was agreed by the Management Committee that the charges would be held until the Project was completed, in view of the likely disruption at each of the Bathing Ponds.
6. The previous Superintendent reported to the Hampstead Heath Management Committee on 25 November 2006, stating that during the first year following the introduction of the charges at the Bathing Ponds, £13,000 of income was generated, and £23,000 the following summer.
7. In 2018/19 the income generated at the Bathing Ponds was £67,000.
8. The Adult Season Ticket for the Bathing Ponds costs £125 for 12 months and £66 for 6 months. Season Tickets are available to purchase online through the City of London Corporation website, and in person at the Parliament Hill Fields Lido. So far during 2019/20, 377 Season Tickets have been sold for the Bathing Ponds. This compares with 1,041 for the Lido. The Superintendent acknowledges the feedback from Season Ticket holders that the online system has scope to be improved in terms of functionality and user experience.

## Current Position

9. There are substantial costs involved in running all the swimming facilities. These include the cost of providing and training Lifeguards, maintaining and upgrading the facilities, providing safety equipment, ensuring water quality and managing the natural surroundings. Other factors (including complying with the Health and Safety Executive advice in relation to the ratio of Lifeguards to swimmers, their breaks, rotation of duties and alertness), this will involve additional expenditure for the 2020/21 season onwards, as will the need for additional Heath Rangers to help with the management of visitors and operation of the swimming facilities.
10. As a result, the cost to provide the Bathing Ponds in 2020/21 is likely to rise from £747,000, to £1,061,000. Without any corresponding increase in income under the status quo, this increasing deficit cannot be funded from the Heath's Local Risk Budget without having a detrimental impact on the conservation and protection of the wider Heath and the provision of other sports and recreational activities.
11. In addition, the costs to provide the Parliament Hill Fields Lido for 2020/21 is likely to rise from £521,000, to £582,000, which would result in an estimated subsidy of £205,000 i.e. 35%. This would represent 5% of the Heath's Local Risk Budget.
12. The Review has involved detailed discussions with the Lifeguards and engagement with the Hampstead Heath Swimming Associations. The first stage of the Review commenced at the Swimming Forum on 1 October 2019. A facilitated discussion then took place at the Swimming Forum on 14 January 2020. The notes of that meeting are attached (Appendix 1).
13. Following this, a series of discussions have been held with the Swimming Associations to collaborate in developing ideas and options. Draft proposals (Appendix 1) were discussed at a Swimming Forum on 4 February 2020 and following feedback from the Swimming Associations have been refined into a position paper (Appendix 1). This was discussed at the Swimming Forum on 11 February 2020. The notes of the meeting are attached (Appendix 2).
14. The Hampstead Heath Sports Advisory Forum discussed this report at their meeting on the 24 February 2020. A summary of the comments received will be provided at the meeting.
15. Through these discussions, a shared understanding has been achieved in relation to the Health and Safety Executive advice, the City Corporation's Duty of Care, and the primary role of the Lifeguards being to ensure bather safety, rather than facility upkeep and visitor management. Consequently, the Superintendent is updating the Swimming Facilities Risk Assessments, Safe Systems of Work and the Swimming Regulations to reflect the learning from the Swimming Review and the Health and Safety Executive advice. This will inform a review of the Open Spaces Department and Hampstead Heath Risk Registers. The following actions are being progressed:
  - The current practice of manual head counting by the Lifeguards is no longer fit for purpose. A new system needs to be investigated to monitor both the bathing and the facility load at the Bathing Ponds more accurately. This will need to be non-intrusive, robust, effective and appropriate to the natural environment at the Bathing Ponds.

- The Royal Life Saving Society Open Water Training with external validation has commenced for Lifeguards and the Fixed-Term Contract Lifeguards. The training will also be extended to casual contract Lifeguards.
  - A programme of closures to enable facility maintenance, Lifeguard Team training and continual professional development will be introduced in consultation with the Swimming Associations.
  - New additional safety equipment has been procured for the 2020 season.
  - Through the Annual Work Programme, the Conservation Team will install perimeter dead hedging, hedging, planting and chestnut pale fencing to reduce unauthorised access into the Bathing Ponds.
  - Subject to Planning and Historic Building Consents an additional temporary 2.4 metre perimeter fence will be trialled at the Lido (May-August) to prevent unauthorised access over the boundary walls. The proposed temporary fence is a no-dig, self-supporting system that can withstand vandalism and winds in excess of 100mph. It would be supported through a series of rigid plastic ballast bins.
  - We will investigate options to increase the level of facility cleaning during busy periods. Contract cleaning is an option being investigated.
  - We will also promote and develop the role of Heath Hands volunteers with conservation projects associated with the Bathing Ponds.
  - Working with each of the Swimming Associations and the Lifeguarding Team, we will seek to establish Working Groups to collaborate on finding solutions to operational and access issues at each facility.
16. In addition to specifically responding to the issues raised by the Health and Safety Executive in relation to Lifeguard alertness, breaks and the minimum Lifeguard numbers the following staffing arrangements are being progressed: -
- Additional Lifeguards will be employed to allow for breaks and rotation of duties to maintain alertness. During the winter season a roving female Lifeguard will operate between the Kenwood Ladies' Bathing Pond and the Highgate Men's Bathing Pond. This is currently being trialled. During the summer season six additional Lifeguards will be required for the three Bathing Ponds, as two shifts operate.
17. In response to the learning from the Swimming Review, additional staff resources are required to ensure the primary role of Lifeguards is focussed on bather safety. The following staffing arrangements are being progressed: -
- Additional Heath Rangers employed to support the Lifeguards in relation to managing visitors and the operation of the swimming facilities. During the winter season a roving Heath Ranger will operate between the swimming facilities. During the summer season it is estimated that six additional Heath Rangers will be required across the swimming facilities. The Heath Rangers will be required to manage the queues, control the number of people within the facility, provide information to visitors, support visitors with the updated payment arrangements, respond to incidents within the facility, liaise with other Heath staff and the Emergency Services and assist with cleaning and the management of the facilities.

## Options

18. Taking account of the issues discussed in the report Members are asked to consider the appropriate levels of subsidy and charges, as set out in table 1, in order to secure the long-term financial sustainability of the Bathing Ponds. Taking into account local considerations and priorities to ensure this aligns with the Heath's charitable objectives and the Hampstead Heath Management Strategy 2018 - 2028 outcomes.

Current					
	Subsidy <sup>*1</sup>	% of Heath Local Risk <sup>*2</sup>	Charge Rates	Projected Income (Ex VAT) <sup>*4</sup>	Recovery (%) <sup>*1</sup>
<b>A</b>	£994,000	22%	£2.00 Adult	£67,000.00	6%
	94%		£1.00 Concession		
Proposed					
	Subsidy <sup>*1</sup>	% of Heath Local Risk <sup>*2</sup>	Charge Rates <sup>*3</sup>	Projected Income (Ex VAT) <sup>*5</sup>	Recovery (%) <sup>*1</sup>
<b>B</b>	£728,000.00	16%	£2.00 Adult	£333,000.00	31%
	69%		£1.20 Concession		
<b>C</b>	£586,000.00	13%	£3.00 Adult	£475,000.00	45%
	55%		£1.80 Concession		
<b>D</b>	£443,000.00	10%	£4.00 Adult	£618,000.00	58%
	42%		£2.40 Concession		
<b>E</b>	£301,000.00	7%	£5.00 Adult	£760,000.00	72%
	28%		£3.00 Concession		
<b>F</b>	£159,000.00	4%	£6.00 Adult	£902,000.00	85%
	15%		£3.60 Concession		
<p>*1 Based on projected expenditure of £1,061,000 for 2020/21 season and rounded to the nearest thousand or whole percentage.</p> <p>*2 Based on 2019/20 Hampstead Heath Local Risk Budget of £4,460,000 and rounded to the nearest whole percentage.</p> <p>*3 Concession based on a 40% discount on the Adult charge.</p> <p>*4 Income based on 2018/19 season.</p> <p>*5 Projected income based on 2016/17 visits (426,443), accounting for Income of £58,170 from the sale of 894 Season Tickets which is estimated to account for 42.8% of visits. Day Tickets have been modelled on a 25% Adult, 75% Concession split. Figures rounded to the nearest thousand.</p>					

Table 1

19. Members are asked to determine the level of subsidy and the ensuing day ticket price point for the Bathing Ponds, noting that **Officers recommend Option D**. Members may wish to consider a phased approach to increasing the charges in order to reach the approved level of subsidy.
20. It is proposed that all Swimming Season Tickets prices are frozen until April 2021.
21. In future years the City Corporation will benchmark, consider inflation and review the approved charges, bringing a report to this Committee for approval as part of the annual fees and charges approval cycle. This process involves consulting

Stakeholders including the Swimming Forum, Sports Advisory Forum and the Hampstead Heath Consultative Committee.

22. In order to achieve the agreed level of subsidy for the Bathing Ponds, there are a number of models for Members to consider in relation to how the charges are collected.

### **Bathing Ponds Charging Model**

23. Through discussions it is recognised that the following steps are required to support all of the proposed charging models:

- Install contactless payment, in addition to maintaining cash collection arrangements for 2020/21.
- Improve the online experience for people purchasing Season Tickets.
- Install new signage that provides information about the payment options and the Hampstead Heath Charity. This would make it much easier for swimmers to pay and to understand that their payments go towards sustaining the Ponds and the Lifeguarding costs.
- Promote a culture of payment at the Ponds in collaboration with the Swimming Associations.

24. Heath Rangers will be deployed at the Bathing Ponds to support the Lifeguards and the operation of the facilities. Part of their role will be to support and manage the agreed charging model.

25. The following options in relation to the Bathing Ponds charging model have been prepared:

#### Option 1 - Maintain the existing "Self-Policing" charges

26. A "Self-Policing" charge would continue to be operated at the Bathing Ponds to collect the approved charges and meet the agreed level of subsidy.

#### Option 2 – Adopt applied charges – supported by Heath Rangers

27. Collect the approved charges from 2 May 2020 to meet the agreed level of subsidy. It is proposed that charges would be applicable at the point of entry for the Bathing Ponds.

28. Heath Rangers would support the culture of payment at the Ponds, this builds on the existing practice at the Mixed Pond during the summer season.

#### Option 3 – Adopt applied charges – managed by Heath Rangers

29. Collect the approved charges from 2 May 2020 to meet the agreed level of subsidy. It is proposed that charges would be applicable at the point of entry for the Bathing Ponds. Heath Rangers will oversee and ensure payment.

#### Option 4 – Adopt applied charges – managed using a gate entry system

30. Collect the approved charges from 2 May 2020 to meet the agreed level of subsidy. It is proposed that charges will be applicable at the point of entry and managed using a gate entry system to ensure payment.

31. This option would require Capital Investment and implementation would need to be phased.

#### Option 5 – Reduce the swimming offer to reduce expenditure

32. Introduce a morning Members only swimming club to reduce the Lifeguard hours in the winter. Applying annualised hours to the Lifeguards work arrangements and reducing the number of swimming hours to align with the agreed subsidy and income from charges.

#### Preferred Option – Charging Model

33. **Officers recommend Option 3.** This option establishes clear and fair arrangements to collect the agreed charges, in-line with the Hampstead Heath Swimming Regulations. The current Self-Policing model has not proved an effective mechanism to collect the approved charges. However, recognising the unique environments of the Bathing Ponds, this option to collect the approved charges without installing significant infrastructure should be trialled in the first instance. The City Corporation welcomes the opportunity to continue collaborate with the Swimming Associations to establish a culture of payment to meet the agreed level of subsidy.
34. The Swimming Associations have robustly indicated their support for Option 1 and that the City Corporation implement an effective payment collection system based on voluntary contributions. In support of this approach the Associations have indicated their willingness to promote a culture of payment at the Ponds and to encourage the purchase of Season Tickets.

#### Concessions

35. In addition to the charges, Members have a number of options to consider in relation to the concessionary offer.
  - A. Concessionary discount retained at 50% discount of the adult rate.
  - B. Concessionary rates brought in line with other fees and charges across Hampstead Heath, which are based on a 40% discount of the Adult rate.
  - C. Concessionary rates brought in line with other fees and charges across Hampstead Heath, which are based on a 40% discount of the Adult rate and introduce free morning swims (until 09.30) to over 60's and under 16's to the Highgate Men's Bathing Pond the Kenwood Ladies' Bathing Pond and the Hampstead Mixed Bathing Pond.
36. Concessions apply to the following:
  - Freedom Pass
  - Disabled Card
  - Job Seekers Allowance
  - Student
  - Under 16's
37. The Open Spaces Department is currently undertaking a review of Concessions and this will include the consideration of a support fund to ensure the Open Spaces facilities remain financially inclusive.

## Preferred Option – Concessions

38. Whilst this review is undertaken, **Officers recommend Option C** - that the Concessionary rates are brought in line with other fees and charges across Hampstead Heath, which are based on a 40% discount of the adult rate and introduce free morning swims (until 09.30) to over 60's and under 16's to the Bathing Ponds.

## **Corporate & Strategic Implications**

39. Ensuring the long-term sustainability of the swimming facilities supports the Hampstead Heath Management Strategy 2018-2028 Strategic Outcomes A: The Heath is maintained as a flourishing green space and historic landscape, B: Improved quality of life for Heath visitors, C: The Heath is inclusive and welcoming to a diverse range of visitors and D: Greater number of and diversity of People taking care of the Heath.
40. This also meets the three objectives and outcomes set out in the Open Spaces Department 2020-21 Business Plan. (a) Open spaces and historic sites are thriving and accessible, (b) Spaces enrich people's lives and (c) Business practices are responsible and sustainable.
41. As well as contributing towards the achievement of the three aims set out in the City of London Corporation Corporate Plan 2018-23: Contribute to a flourishing society (1-4), Support a thriving economy (5) and Shape outstanding environments (9-12).

## **Implications**

### Legal

42. Under articles 7 and 10 of the Greater London Parks and Open Spaces Order 1967, as applied by the London Government Reorganisation (Hampstead Heath) Order 1989, the City Corporation may:
- Provide and maintain swimming baths and bathing places whether open air or indoor;
  - Provide and maintain platforms, screens, seats, lockers, towels, costumes and any apparatus, appliances, equipment or conveniences that are necessary or desirable;
  - Erect and maintain such related buildings or structures as they consider to be necessary or desirable;
  - Set apart or enclose any part of the Heath in connection with the above and preclude any person from entering that area other than a person to whom access is permitted by them;
  - Employ such persons in connection with the use or enjoyment of those facilities, do such acts and make and enforce such restrictions or conditions as they consider necessary or desirable in connection with the exercise of their powers;

- Make such reasonable charges as they think fit for the use or enjoyment of any such facilities provided by them, or the use of any such building or structure erected or maintained by them, or admission to, or the use of, any such part of the Heath set apart or enclosed by them.

#### Financial

43. The City's Financial Regulations require all Departments to recover full costs when setting charges to persons or external organisations or submit reasons to the appropriate service Committee when that objective is not met. It is therefore at the discretion of individual spending Committees to determine the actual level of fees and charges relative to the services they provide, after taking into account local considerations and priorities.
44. Members have been asked to consider the level of subsidy to inform the charges for the Bathing Ponds. Members may wish to consider phasing any increase in charges.

#### Property

45. The Swimming Review has identified the requirement for capital investment to improve accessibility, introduce technology to measure the bathing load and to introduce contactless payment options as well as upgrading electricity, broadband, and water supplies.
46. The identified capital projects align with the High-Level Asset Management Plan priorities for Hampstead Heath and will follow the City of London Corporation Capital Bidding Process and the Project Procedures.
47. In addition to capital projects, there are a range of projects that will need to be funded and programmed through the Cyclical Works Programme and the Hampstead Heath Annual Works Programme, Appendix 3. Therefore, a phased programme of implementation will be necessary that focuses on safety and access.

#### Reputational Risks

48. Members should be aware that the proposed changes may attract negative media coverage and potentially campaigns, given that some swimmers are opposed to the possible introduction of applied charges. However, the proposals could also generate positive media coverage by improving swimmer safety, ensuring the City Corporation complies with Health and Safety Executive advice, and that the Bathing Ponds are sustainable. The Communications Team has a Communications Plan in place to take forward opportunities and mitigate risks.

#### Human Resources

49. Additional Lifeguards and Rangers will need to be recruited using Fixed-Term Contracts, not exceeding 12 months, to retain flexibility and to align with the moratorium on recruitment.

#### Equality Analysis

50. A test of relevance for an Equality Analysis has been undertaken and has confirmed there are no significant negative/adverse impacts on protected characteristics, (Appendix 5). Therefore, a full Equality Analysis is not required at this stage.

## **Conclusion**

51. The Swimming Review focussed on Health and Safety, the Duty of Care towards staff and visitors, recognising the increasing demand and providing inclusive and welcoming facilities to a diverse range of visitors. A range of options in relation to the level of subsidy have been modelled to inform the charges for 2020/21. In addition, a range of charging models have been developed to establish clear and fair charging arrangements to ensure the long-term financial sustainability of the Bathing Ponds.
52. The City Corporation welcomes the opportunity to continue collaborating with the Swimming Associations to safeguard the future of the swimming facilities on Hampstead Heath.

## **Appendices**

- Appendix 1 – Position Paper, February 2020
- Appendix 2 – Swimming Forum Meeting Notes - 11 February 2020
- Appendix 3 – Projects Identified during the Swimming Review 2020
- Appendix 4 – Benchmarking Data
- Appendix 5 – Equality Analysis Test of Relevance

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