

## HAMPSTEAD HEATH CONSULTATIVE COMMITTEE

Tuesday, 29 September 2015

**Minutes of the meeting of the Hampstead Heath Consultative Committee held at the Parliament Hill Conference Room, Parliament Hill Staff Yard, Parliament Hill Fields, Hampstead Heath, NW5 1QR at 7.00 pm**

### **Present**

#### **Members:**

Virginia Rounding (Chairman)	Thomas Radice (Heath & Hampstead Society)
Jeremy Simons (Deputy Chairman)	Susan Rose (Highgate Conservation Area Advisory Committee)
Ray Booth (Barnet Mencap)	Ellin Stein (Mansfield Conservation Area Advisory Committee & Neighbourhood Association Committee)
Colin Gregory (Hampstead Garden Suburb Residents' Association)	Richard Sumray (London Council for Sport & Recreation)
Michael Hammerson (Highgate Society)	Simon Taylor (Hampstead Conservation Area Advisory Committee)
Dr Gaye Henson (Marylebone Birdwatching Society)	
John Hunt (South End Green Association)	
Nigel Ley (Open Spaces Society)	
Mary Port (Dartmouth Park Conservation Area Advisory Committee)	

#### **Officers:**

David Arnold	Town Clerk's Department
Paul Double	City Remembrancer
Sam Cook	Remembrancer's Office
Sue Ireland	Director of Open Spaces
Bob Warnock	Superintendent of Hampstead Heath
Declan Gallagher	Operational Services Manager
Richard Gentry	Constabulary & Queen's Park Manager
Paul Maskell	Leisure & Events Manager
Jonathan Meares	Highgate Wood, Conservation & Trees Manager

#### **1. APOLOGIES**

Apologies for absence were received from Helen Payne (Friends of Kenwood), Stewart Purvis (Vale of Health Society), Harunur Rashid Khan (Bangladeshi Social Forum), and Steve Ripley (Ramblers' Association).

#### **2. MEMBERS' DECLARATIONS UNDER THE CODE OF CONDUCT IN RESPECT OF ITEMS ON THE AGENDA**

There were none.

#### **3. MINUTES**

**RESOLVED** – That the minutes of the previous meeting held on Monday 6 July 2015 be agreed.

## **Matters Arising**

### **Outdoor Gym Location Proposal**

The Superintendent advised that the London Borough of Camden's (LBC) application for funding had been reduced by 50%, so they would be focussing on their own sites rather than the Heath. The Superintendent and his staff would continue to maintain a close relationship with the LBC to identify other opportunities in the future.

#### **4. CITY OF LONDON CORPORATION (OPEN SPACES) BILL**

The Committee considered a report of the Remembrancer that provided a full working draft of the City of London Corporation (Open Spaces) Bill, which was due to be deposited to Parliament on 27 November 2015 subject to the approval of the Court of Common Council for the promotion of the Bill. This would be considered by the Court of Common Council on 15 October 2015.

Members discussed each clause of the draft Bill and the following matters were considered:-

#### **2. Interpretation**

- In response to a member's (London Council for Sport & Recreation) question, the Remembrancer advised that the purpose of the Bill was to allow for new things which could not currently be done, or over which there was currently some ambiguity.
- The Ministry of Housing and Local Government Provisional Order Confirmation (Greater London Parks and Open Spaces) Act 1967 already allowed for a wide range of events at the Heath but other Open Spaces managed by the City of London Corporation did not have the same freedoms.

#### **4. General Provision**

- All provisions of the Hampstead Heath Act 1871 had been considered and the relevant sections were referred to in clause 4(1)(a) of the draft Bill.
- Additional wording could be incorporated to make clear that the Bill should be read alongside the existing legislation, which members (Hampstead Garden Suburb Residents' Association, Heath & Hampstead Society) expressed would be helpful.
- Members (London Council for Sport & Recreation, Hampstead Garden Suburb Residents' Association, Heath & Hampstead Society) suggested additional sections of the 1871 Act, such as section 15, should also be referred to and that clause 4(3) included reference to 'duties' as well as 'powers'.
- In response to members' concerns, the Remembrancer advised that he hoped to address the points about 'duties' in clause 4(1) and consideration would be given to how the Bill could iron out ambiguities in the existing legislation.

## 5. Land Management

Members noted that this clause was currently more relevant to other Open Spaces managed by the City Corporation as the grazing of cattle or other animals did not take place on the Heath and no rights of common existed.

## 6. Letting of Premises

- The Remembrancer advised that the intention of the Bill was to address the letting of buildings, not grasslands or open-air facilities such as sports areas, so the title of this clause was likely to be amended to specify this.
- The Director of Open Spaces had consulted an open spaces catering contract expert, who had recommended that the Bill allowed for leases of up to 20 years, particularly where improvement was required through capital investment, but that each building be considered on a case by case basis to allow for a standard of approximately 10 years in a majority of cases.
- Two members (Hampstead Garden Suburb Residents' Association, Heath & Hampstead Society) had already raised concerns about increasing the length of leases to be granted beyond the existing three year limit but a majority of Committee members supported a maximum of 21 years.
- In response to a member's (London Council for Sport & Recreation) question, the Director of Open Spaces advised that parts of the Lido could be defined as 'buildings' so leases could be granted under the proposed provisions to allow for capital investment.
- A member (Hampstead Garden Suburb Residents' Association) suggested that the types of premises or buildings affected could be made clearer; for instance, the Athletics Track building was not relevant to the recommendations regarding catering buildings so different types could be restricted to 10 as opposed to 21 years.
- In response to a member's (Hampstead Garden Suburb Residents' Association) concern regarding the continued provision of buildings for public benefit (such as toilet facilities), the Remembrancer advised that a high level of detail was not expected from the Bill but the wording would be considered further, perhaps to include reference to no negative effects for Heath users.
- In response to members' (Highgate Society, Heath & Hampstead Society) concerns regarding clause 6(5), the Remembrancer advised that further consideration would be given to the consultation process to be used before granting a lease or licence.

## 7. Facilities for Events

- Most events that currently took place on the Heath, such as the Affordable Arts Fair and Weddings and Civil Ceremonies, were not covered in the 1967 Act but they were managed within the provisions of the Act; for instance, Weddings and Civil Ceremonies were limited to two occasions per month in accordance with maintaining the public use of the open space.
- Existing legislation did not include any requirement for consultation but this was to be provided for in the Bill.

- Members noted that the types of events in clause 7(1)(a) could be specified further to include the number of events, as well as the times and places at which they were allowed.
- A member (Hampstead Garden Suburb Residents' Association) considered that more detail in regards to events should be included in the Bill; he suggested that a distinction between 'natural' and 'non-natural' areas of the Heath could be made.
- Members noted that detail could be dealt with best in policy rather than the wording of the Bill and that the Management Plan already contained the relevant material, which could be a way of providing greater clarity.
- Members (Highgate Society, South End Green Association) suggested that provisions should be in accordance with the Management Plan, if one existed for the open space in question.

#### 10. Control of Commercial Activity

In response to a member's (Highgate Society) question, the Remembrancer confirmed that 'commercial activity' in this clause referred to activities taking place on public open space land as opposed to the commercial letting of buildings. The Superintendent added examples of this definition of commercial activity including dog walking, personal fitness training and filming, amongst other activities.

#### 11. Fixed Penalty Notices (FPN) & Community Protection Notices

Members were advised that authorised officers would have the power to issue FPNs to anyone believed to have committed certain offences on the Heath, such as littering and byelaw offences. The Anti-social Behaviour, Crime and Policing Act 2014 also allowed for nuisances to be dealt with by the local authority in which the offence was being committed.

#### 13. Power to Require Name and Address

Members were advised that the Constabulary already possessed powers to request the name and address of anyone believed to have committed an offence and to carry out an arrest if it was withheld.

#### 14. Removal and Disposal of Trespassory Articles

The Superintendent advised that this clause was mostly relevant to the removal of discarded camping equipment from the Heath.

In response to general questions from members (Highgate Society, Heath & Hampstead Society):-

- the Remembrancer advised that revenue from commercial lettings would continue to be retained for maintenance of the Heath in line with the charitable objectives; and
- the Director of Open Spaces advised that complaints procedures against leaseholders would be included in each licence or lease. She added that matters relating to disputes would continue to be reported to the Committee when necessary.

To conclude, Members were advised that this Committee and the Hampstead Heath, Highgate Wood & Queen's Park Committee would continue to be

notified of further revisions to the Bill during the remainder of the drafting process in October and November.

**RESOLVED** – That the views of the Hampstead Heath Consultative Committee regarding the City of London Corporation (Open Spaces) Bill be noted.

5. **SUPERINTENDENT'S UPDATE**

The Committee received a report of the Superintendent of Hampstead Heath regarding the management and operational activities across the Heath since July 2015. The Superintendent provided some additional information regarding the following matters:

**Property**

Lido Wall

A pre-start meeting relating to the rebuilding of the boundary walls would take place on 4 October 2015. The Sports Advisory Forum and the Lido User Group would be consulted before this date.

Hill Garden Shelter

A pre-start meeting regarding the tanking works had taken place on 24 September 2015. A contractor had been appointed and the works would start shortly.

Golders Hill Park Zoo Toilets

Temporary toilets had been in use at Golders Hill Park. An additional separation tank would be constructed during autumn/winter as part of the City Surveyor's Department's programme of works.

**Planning**

Athlone House

Whilst the planning appeal was dismissed in June 2015, the applicant subsequently submitted an application to judicially review the Planning Inspectorate's decision. A member (Highgate Society) added that a date for the applicant's appeal had been scheduled for 20 October 2015.

Water House

The London Borough of Camden (LBC) Development Control Committee were likely to consider the planning application at their October or November meeting. The Superintendent would continue to represent the City Corporation's key concerns and reasons why the application should be refused. The Superintendent aimed to attend the LBC Development Control Committee meeting.

Schools – William Ellis and Parliament Hill Girls'

The application for the Parliament Hill School, William Ellis School & La Swap Sixth Form was approved by LBC in July 2015. Conditions attached to the planning consent required further landscaping details to be submitted for approval, which was of interest in the context of previous representations

submitted regarding potential impacts on the Heath. There was also a condition regarding the submission of a final Conservation Management Plan, which may be of interest in the context of the Ponds Project. To date, no applications to discharge the conditions had been submitted.

#### Ivy House

Alpha Plus Group had recently purchased the property, which was a site of historic interest, for educational use but a planning application had not been developed yet.

#### **Constabulary**

An offender had recently been issued with a fine of £120 plus £330 in costs for an incident relating to dog control.

In response to a member's (Marylebone Birdwatching Society) question regarding the high amount of medical assistance provided by the Constabulary, the Superintendent advised that this could have been due to an increase in visitor numbers and sporting events. He added that all Constabulary staff were trained in first aid and had access to a defibrillator.

#### **Golders Hill Park**

The Park was awarded Gold in the London in Bloom Awards.

#### **Ponds Project**

##### Viaduct Pond

De-silting would be taking place shortly but other than that works were completed. The Superintendent added that turfing had established well, aided by effective protective fencing.

##### Hampstead No. 1 & 2

Works had started on schedule.

##### Stock Pond

Preparation works had started.

##### Ladies' Pond

A meeting with the Kenwood Ladies' Pond Association would take place shortly to discuss the programme for the concrete slab and replacement of the chancing facilities.

##### Model Boating Pond

Some issues with the depth of the silt had resulted in the contractor having to return to install 15 metre steel piling beams in the middle of the Pond. The water level would continue to drop ready for the fish rescue to recommence in October.

#### **Oak Processionary Moth (OPM)**

In response to a member's (Hampstead Garden Suburb Residents' Association) question, the Superintendent advised that spread of OPM on

Hampstead Heath would be managed through containment during the 2016 season. The Director of Open Spaces added that the Forestry Commission had worked alongside boroughs to place pheromone traps all over London, which had shown areas in South East London to be most severely affected. The plan for OPM treatment across London in 2016 was yet to be determined.

### **Cycling**

In response to a member's (Dartmouth Park Conservation Area Advisory Committee) question, the Superintendent advised that the current approach to cycling on the Heath would not be re-evaluated. However, changes to current signage would be considered in the coming months.

**RESOLVED** – That the Superintendent's Update be noted.

### **6. OPEN SPACES LEARNING PROGRAMME**

The Committee received a report of the Director of Open Spaces regarding the delivery of the Open Spaces Learning Programme. Members were advised of the Programme's learning framework, which would be used to deliver learning outcomes across the Open Spaces.

**RESOLVED** – That the development of the learning framework and the progress made, be noted.

### **7. QUESTIONS**

In response to a member's (Mansfield Conservation Area Advisory Committee & Neighbourhood Association Committee) question regarding the maintenance of memorial benches and potential damage caused by British Military Fitness (BMF) programme participants, the Operational Services Manager advised that instructors had been informed not to use any structures as fitness aides. The Leisure and Events Manager added that anyone, including non-BMF programme participants, seen using benches or other structures as a fitness aid had been told to stop.

### **8. ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT**

The Chairman reminded members that the Hampstead Heath, Highgate Wood & Queen's Park Committee dinner would be taking place on the evening of Monday 12 October 2015. Invitations had been issued via post and RSVPs were required by 1 October 2015.

### **9. DATE OF NEXT MEETING**

**RESOLVED** – That the date of the next meeting (Monday 9 November 2015) be noted.

**The meeting closed at 9.10 pm**

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Chairman

**Contact Officer: David Arnold**  
**David.Arnold@cityoflondon.gov.uk**  
**020 7332 1174**