

HAMPSTEAD HEATH, HIGHGATE WOOD AND QUEEN'S PARK COMMITTEE
Wednesday, 21 February 2018

Minutes of the meeting of the Hampstead Heath, Highgate Wood and Queen's Park
Committee held at Committee Rooms, 2nd Floor, West Wing, Guildhall on
Wednesday, 21 February 2018 at 4.00 pm.

Present

Members:

Karina Dostalova (Chairman)
Anne Fairweather (Deputy Chairman)
Michael Hudson
Ruby Sayed
Oliver Sells QC
John Beyer (Heath & Hampstead Society)
Sam Cooper (English Heritage)
Maija Roberts (Ramblers' Association/Open Spaces Society)

Officers:

Leanne Murphy	-	Town Clerk's Department
Alistair MacLellan	-	Town Clerk's Department
Bob Warnock	-	Superintendent of Hampstead Heath
Colin Buttery	-	Director of Open Spaces
Alison Elam	-	Group Accountant, Chamberlain's Department
Richard Gentry	-	Constabulary & Queen's Park Manager
Jonathan Meares	-	Highgate Wood, Conservation & Trees Manager
Edward Wood	-	Comptroller & City Solicitor's Department
Kate Radusin	-	PA to Superintendent of Hampstead Heath
Yvette Hughes	-	Business Manager
Declan Gallagher	-	Operational Service Manager
Carl Locsin	-	Town Clerk's Department
Lucy Gannon	-	Projects Management & Support Officer

1. APOLOGIES

Apologies were received from Deputy John Tomlinson, William Upton, Councillor Melvin Cohen, Rachel Evans, Councillor Sally Gimson and Graeme Smith.

2. MEMBERS DECLARATIONS UNDER THE CODE OF CONDUCT IN RESPECT OF ITEMS ON THIS AGENDA

There were no declarations.

3. MINUTES

RESOLVED, that the public Minutes of the meeting held on 15 November 2017 were approved as a correct record.

4. **MINUTES OF THE HAMPSTEAD HEATH CONSULTATIVE COMMITTEE**
The Minutes of the Hampstead Heath Consultative Committee (HHCC) meeting held on 29 January 2018 were received.

5. **HAMPSTEAD HEATH, HIGHGATE WOOD AND QUEEN'S PARK COMMITTEE ACTIONS SHEET**
Members considered a report of the Town Clerk detailing outstanding actions and the following points were made.

Fees and Charges 2018/19

The Superintendent advised Members that feedback on the impact of 2018/19 parking charges would not be available until after April 2019, and the potential use of payment apps at Heath facilities was covered in the Superintendents report update. A document setting out revenue streams for Hampstead Heath, Highgate Wood & Queen's Park in tabular form was circulated to Members.

Revenue and Capital Budgets 2017/18 and 2018/19

Members were advised that the Chamberlain had been provided with feedback regarding the composite format of 2017/18 and 2018/19 Revenue and Capital Budget reporting.

Draft Departmental Business Plan 2018/19 – Open Spaces

Members were advised that the Business Plan would be coming to the next Committee meeting which would include clarification on the acronyms and symbols.

Any Other Business

Members agreed to convene a Spring 2018 Hampstead Heath, Highgate Wood & Queen's Park Committee (HHHWQPC) Walk on 23 May 2018 prior to the planned Committee meeting. It was decided that the walk would begin at 4.30pm followed by the Committee meeting at 6pm.

6. **ANNUAL REVIEW OF TERMS OF REFERENCE**
The Committee considered a report of the Town Clerk concerning their Terms of Reference.

RESOLVED - That: -

- the Terms of Reference of the Committee were approved for submission to the Court in April 2018 as set out in the appendix;
- any further changes in the lead up to the Court's appointment of Committees be delegated to the Town Clerk in consultation with the Chairman and Deputy Chairman.

7. **SUPERINTENDENT'S UPDATE**
Members considered a report of the Superintendent providing an update on matters concerning Hampstead Heath, Highgate Wood and Queen's Park. The following points were made.

Cycling

- The Superintendent advised Members that he had received a petition with 146 signatures to extend cycle lanes north to south to promote accessibility to the Ladies' Pond. The Superintendent sought support from Members for adopting the current stance that no changes are planned for shared-use paths as Policy until a review is carried out as part of the mid-term review of the 2018 Management Plan.
- Members discussed what the criteria would be for change, e.g. if TFL made changes to the highways adjacent to the Heath. Members agreed that no new cycle routes would be created under the current policy and supported the decision to review the policy as part of the mid-term review of the 2018 Management Plan in 2023/24.

Cafés

Parliament Hill & Golders Hill Park Café

- The Superintendent noted that the Parliament Hill & Golders Hill Park Café negotiations had concluded, and that the leases would expire in January 2021.

Parliament Hill Fields Lido Café

- Members were advised that the lease with Hoxton Beach at the Parliament Hill Fields Lido Café had expired and the Superintendent sought Member's agreement for the City Surveyors Department to negotiate a new three-year lease with Hoxton Beach.
- A Member questioned whether the negotiations for the café leases should be put on hold until the Open Spaces Bill is passed as this would give the City opportunity to consider a longer lease. The Director of Open Spaces agreed that the Act would indeed help with future negotiations but felt that it was important to complete the current tendering agreement without delay.
- A Member queried why the terms of the lease had changed from base and turnover (top – up) rent to a base rent only agreement as the former appeared to be more beneficial. Members were advised that it was mutually beneficial for the leaseholders to develop their businesses and for the City Corporation the base rent provided a more reliable income stream.
- Members agreed the City Surveyors Department to negotiate a new three-year lease with Hoxton Beach.

Café Working Party

- Members were advised that a request had been made by the Cafés Campaign Team for representation on the HHCC.

- The Chairman and Deputy Chairman updated Members on the discussions that took place at the HHCC meeting in January. The HHCC were particularly concerned that the representative would not represent all five cafés, but only one café.
- The Town Clerk advised Members that the composition of the HHCC is governed by Article 9 and Schedule 4 of The London Government Reorganisation (Hampstead Heath) Order 1989. Whilst the City may make appointments to the Consultative Committee in addition to the 20 Members described in Schedule 4, who represent particular specified interests, the City is under no obligation to do so. In making any additional appointments, the City would apply two tests: does a demonstrable gap exist in representation on the HHCC? If so, does the candidate in question fill that gap?
- The HHHWQPC reviewed the overall membership of the Consultative Committee and considered whether cafés and café users in general were currently under-represented. The Committee agreed that there was already adequate representation for cafés and café users on the HHCC provided by the four members of the HHCC who sit on the Café Working Party.
- Members took into account the views expressed by the HHCC in January and decided not to approve the request from the Cafés Campaign Team, for a representative to join the HHCC.
- A Member highlighted the important difference between interest groups and commercial interest groups and encouraged Members to be alert of this when considering future applications.
- A Member raised a concern that people with physical disabilities were under represented on the HHCC/Open Spaces Committees. The Chairman noted that Mencap were very involved providing advice to the Committee(s) but agreed this was on a mental health capacity as opposed to physical disabilities. Members agreed other groups/organisations should be approached to ensure Hampstead Heath is more representative of all types of disabilities. The Superintendent agreed to work with the Town Clerk's Office to identify potential organisations which could provide representatives to represent people with physical disabilities on the HHCC. Other groups, e.g. young people, should also be considered within the 2018 Management Plan.

Planning

- **The Water House, Millfield Lane.** The Superintendent noted that this planning application is yet to be determined.
- **Parliament Hill Lido Gospel Oak 2017/5886/P.** Planning permission has been granted for installation of solar panels on the roof of the Parliament Hill Lido Building. A Member asked how the decision to install

solar panels had been made. Members were advised that the Lido had high energy bills and that funding of this project had come from the sale of fleet and machinery.

Trees

- The Superintendent advised that storms and extreme weather in January, most notably Storm Eleanor, had caused damage throughout Hampstead Heath and Highgate Wood and led to closures of Golders Hill Park and the Hill Garden on 3-4 January in compliance with the Division's Extreme Weather Event Protocol.

Constabulary

- The Superintendent highlighted the significant work that went into managing the crowds that gather on Parliament Hill on New Year's Eve to watch the fireworks across the City and advised that there were no issues to report.
- The Superintendent noted there have been three recent prosecutions against dog walkers.

City Surveyors Cyclical Work Programme

- The Superintendent advised Members that projects were now underway, including installation of fencing at South End Green; desilting of the Mixed Bathing Pond; refurbishment of the showers and redecoration of the changing rooms at the Athletics Track; and safety work on the timbers along the main walkway at the Pergola.

Avian Influenza

- The Superintendent noted concerns regarding Avian Influenza. Measures have been put in place at the Golders Hill Park Zoo and the Queen's Park Children's Farm.

Swimming

- The Superintendent advised Members that the next Swimming Forum would take place on 6 March 2018.
- The Superintendent noted that the Kenwood Ladies' Pond has frozen over on several occasions and therefore swimmers have been allowed to use the Men's Pond which had not frozen.
- The Superintendent updated Members on recent press interest regarding the City Corporation's policy to allow transgender women to use the Ladies' Pond. He reiterated City of London's position of inclusivity, which he noted was supported by the Kenwood Ladies' Pond Association (KLPA) who supported the City Corporation's position.

Highgate Wood

- Members were advised that the Highgate Wood Community Heritage Day would take place on 2 September 2018.

Queen's Park

- The Superintendent noted that a CCTV survey has been carried out to investigate the cause of movement in the flooring in the Play Area Toilets and Officers are awaiting the outcomes. The Chairman requested a report be presented at the next meeting of the Queen's Park Consultative Group (QPCG) and recommended that an email update be sent to the Members of the QPCG.
- The Superintendent was pleased to advise Members that the Urban Leisure Group have been awarded a three-year lease to operate at the Queen's Park Café, and that they started trading on 3 February 2018.

RESOLVED -

- Members agreed the proposed policy on cycling as set out in paragraph 4;
- Members agreed that the request to add a path north to south be deferred, and considered as part of the mid-term review of the 2018 Management Plan in 2023/24;
- Members agreed the City Surveyors Department negotiate a new lease for the Parliament Hill Fields Lido Café with Hoxton Beach, to expire in January 2021;
- Members considered, but did not approve, the proposal made by the Café Campaign Team outlined in paragraphs 13-14;
- The Superintendent agreed to work with the Town Clerk to identify a representative for those with a physical disability.

8. MANAGEMENT FRAMEWORK FOR HAMPSTEAD HEATH, HIGHGATE WOOD, QUEEN'S PARK AND KEATS HOUSE DIVISION

Members considered a report of the Superintendent of Hampstead Heath concerning the Management Framework for the Division and the following points were made.

- The Projects Management & Support Officer was pleased to present the latest draft of the Management Framework for the Committee's approval and provided background on how and why it had been developed.
- Members were advised that the Management Framework consists of three components: (1) the Annual Work Programme, (2) a three-year

Divisional Plan that guides implementation of priority projects, and (3) a Management Plan that sets strategic direction.

- The Projects Management & Support Officer advised Members that for Hampstead Heath, Highgate Wood and Queen's Park, each site has its own ten-year plan.
- A Member highlighted that a large piece of work such as the Divisional Plan does not happen overnight and thanked Officers for their hard work. This was echoed by other Members.

RESOLVED –

- Members noted the progress achieved in establishing a Management Framework for the Division;
- Members approved the proposed Annual Work Programme and Divisional Plan, and Outcomes Framework, taking account of the views of the HHCC.

9. POLICY FOR BENCH DEDICATIONS AND SPONSORSHIPS AT HAMPSTEAD HEATH

Members considered a report of the Superintendent of Hampstead Heath regarding the draft policy for bench dedications and sponsorships at Hampstead Heath. The Chairman noted that numerous discussions had been held with the HHCC and the feedback from the HHCC had been incorporated into the draft policy. It was noted that the bench policy sets out an effective approach to tackling the potentially sensitive matter of historical bench dedications on the Heath.

RESOLVED –

- Members considered the comments and feedback provided by the HHCC;
- Members approved the Policy (see appendix 1) for bench dedications and sponsorships.

10. REVIEW EVENTS PROGRAMME 2017 & PROVISIONAL 2018 EVENTS PROGRAMME

Members considered a report of the Superintendent of Hampstead Heath regarding the review of the 2017 Events Programme and the provisional 2018 Events Programme. The Leisure & Events Manager provided his highlights for 2017 and an update on what was coming up for the year to come. The following comments were made.

- It was noted that 2017 was a great year for events at the Heath and there were 101 events in total. Particular highlights for the Committee included the London Youth Games, "One Man and his Dog" and the Night of 10,000m.

- The 2018 National Cross-Country Championships takes place on 24 February 2018 at Parliament Hill. Members were advised that two Shire Horses would attend the Heath on the Sunday following the Cross-Country Championships to carry out restoration works.
- The Night of the 10,000m Personal Bests international event would return to the Heath on 19 May 2018. This is expected to receive extensive media coverage bringing 40 world class athletes to the track to compete in the Europa Cup. Members were advised that discussions are taking place with the BBC to make this event available on television via the Red Button.
- A Member queried the “Hounds of the Heath” event and other similar events. The Leisure & Events Manager advised that this was a charity event and that the money raised went to a dog charity.
- The Chairman drew Members attention to paragraphs 22-23 regarding the use of animals at the annual circus event at the Heath. In addition to the representation from Zippos Circus which was circulated to the Committee prior to the meeting, the Chairman advised that Mr Hibling had sent a second letter stressing how fond Zippos are of the Heath which it has been working with for the last 20 years.
- Members were advised that Zippos Circus’ last visit to the Heath in 2016. The event attracted intense protest from animal rights activists and the City Corporation received a petition with 8,500 signatures against the use of animals at the event. The Committee’s main concern was the safety and security of the public and staff, as well as the potential damage to the reputation of the Hampstead Heath Charity. Members discussed different security options, as the Metropolitan Police do not have the resources to support future events and were not able to support the 2016 event.
- The intense protests at the 2016 event resulted in the redeployment of all on duty Hampstead Heath Constabulary Officers to manage the event. This was unacceptable and resulted in the wider Heath being unpatrolled during the event.
- In light of these security concerns, it was decided that the circus would be asked to provide safety fencing around the circus area and provide additional security staff to manage the attendees and other people in the vicinity of the circus big top. It was also decided that a health and safety assessment would be carried out by the City Corporation to decide what safety procedures would be required.
- Members discussed the HHCC’s recommendation to not include animals and some questioned whether the City Corporation could legally prevent a licensed circus event from containing performing animals (domestic or exotic). It was noted that the Heath has other public events that contain

performing animals and also uses working animals. The Chief Solicitor advised Members that a decision either way on whether to allow performing circus animals on the Heath would be lawful provided it was based on practical administrative considerations rather than moral or ethical considerations. In answer to a question from a Member, he confirmed that public perception of the Charity was a legitimate concern for the Committee because this might impact on the activities of the Charity and could therefore be distinguished from the ethical views of individual Members. He also confirmed that, whilst the Committee had a statutory duty to have regard to the representations of the HHCC, this was only to the extent that such representations could properly be taken into account in any particular case.

- The Chairman asked Members to take a decision to either support the recommendation of the HHCC to ask Zippos Circus not to bring animals if they return to the Heath, make a different recommendation or to postpone the decision to the next meeting pending more information as per a Member's request.
- The Committee voted on an amended recommendation (7 Members were supportive and 1 Member abstained) and approved that a circus on the Heath in 2018 should be allowed to feature performing animals (domestic) provided that the City was satisfied (1) that the welfare of those animals met statutory standards and (2) the City satisfying itself that any such circus put in place appropriate security measures to ensure there was no repeat of the disorder that was seen when Zippos last visited the Heath in 2016. Safety of members of the general public and Heath staff should be assured. Authority was delegated to the Town Clerk, in consultation with the Chairman and Deputy Chairman, to make the final decision on whether the final circus provider, if they featured performing domestic animals, had satisfied any security measures deemed necessary. This judgement would be based on the consideration of a full health and safety assessment/risk assessment conducted by the City.
- The Superintendent advised Members that there would be an opportunity to revisit the use of performing animals on the Heath from 2019 onwards when the new Hampstead Heath Events Policy comes to the Committee later in the year.

RESOLVED –

- Members noted the success of the 2017 Hampstead Heath Events Programme in engaging with audiences, attracting new visitors to the Heath, and working with partners to provide a valuable service for the local community and beyond;
- Members took the views of the HHCC into account regarding the potential damage to the public perception and reputation of the Hampstead Heath Charity; and the potential security issues arising from

the use of performing animals (domestic). However, the Committee approved that a circus on the Heath in 2018 should be allowed to feature performing domestic animals provided that the above requests of the Committee were adhered to by the circus;

- Members agreed the proposed 2018 Events Programme, taking account of the views of the HHCC.

11. HAMPSTEAD HEATH TRUSTEE'S ANNUAL REPORT AND FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2017

Members noted a report of the Chamberlain regarding the Hampstead Heath Trustee's Annual Report and financial statements for the year ended 31 March 2017. Members were advised that this was now lodged with the Charities Commission and has been signed off by the Finance Committee.

12. HIGHGATE WOOD & QUEEN'S PARK TRUSTEE'S ANNUAL REPORT AND FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2017

Members noted a report of the Chamberlain regarding the Highgate Wood and Queen's Park Trustee's Annual Report and financial statements for the year ended 31 March 2017.

13. HEATH HANDS

Members noted the report from Heath Hands regarding the volunteering highlighted for 2017/18.

14. REPORT OF ACTION TAKEN BETWEEN MEETINGS

Members considered a report of the Town Clerk of action taken between meetings.

15. QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE

There were no questions.

16. ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT

There was no other business.

16.1 Draft Minutes of the Highgate Wood Consultation Group Meeting

The Minutes of the Highgate Wood Consultation Group meeting held on 22 November 2017 were received.

16.2 Draft Minutes of the Queen's Park Consultation Group

The Minutes of the Queen's Park Consultation Group meeting held on 29 November 2017 were received.

17. EXCLUSION OF THE PUBLIC

RESOLVED, that under Section 100A(4) of the Local Government Act 1972 the public be excluded from the meeting for the following items of business on the grounds they involve the likely disclosure of exempt information as defined in Part I of Schedule 12A of the Act.

18. **NON-PUBLIC MINUTES**

RESOLVED, that the non-public Minutes of the meeting held on 15 November 2017 were approved as a correct record.

19. **QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE**

There were no questions.

20. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT AND WHICH THE COMMITTEE AGREE SHOULD BE CONSIDERED WHILST THE PUBLIC ARE EXCLUDED**

There was no other business.

21. **DATE OF NEXT MEETING**

The date of the next meeting on 23 May 2018 at 6.00pm (walk at 4.30pm) in the Parliament Hill Conference Room was noted.

The meeting ended at 5.49 pm

Chairman

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