

HAMPSTEAD HEATH, HIGHGATE WOOD AND QUEEN'S PARK COMMITTEE
Wednesday, 29 September 2021

Minutes of the hybrid meeting of the Hampstead Heath, Highgate Wood and Queen's Park Committee held at Committee Rooms, 2nd Floor, West Wing, Guildhall on Wednesday, 29 September 2021 at 4.00 pm

Present

Members:

Anne Fairweather (Chair)
William Upton QC (Deputy Chairman)
Karina Dostalova
Deputy David Bradshaw
Alderman Prem Goyal
Michael Hudson
Wendy Mead
Deputy John Tomlinson
John Beyer
Richard Cornelius
Pam Hampshire
Caroline Haines (Ex-Officio Member)
Oliver Sells QC (Ex-Officio Member)

In attendance:

Paul Jeal – Swimming Facilities Supervisor

Officers:

Colin Buttery	- Director of Open Spaces
Richard Gentry	- Acting Superintendent of Hampstead Heath
Jonathan Meares	- Highgate Wood, Conservation & Trees Manager
Katherine Radusin	- PA to Superintendent of Hampstead Heath
Declan Gallagher	- Operational Service Manager
Yvette Hughes	- Business Manager, Open Spaces Department
Gerry Kiefer	- Open Spaces Business Manager
Graham Nickless	- Group Accountant, Chamberlain's Department
Abigail Tinkler	- Head of Learning, Open Spaces Department
Leanne Murphy	- Town Clerk's Department

1. APOLOGIES

Apologies were received from Alderman Gregory Jones, Jason Pritchard and Yianni Andrews.

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

There were none.

3. **MINUTES**

RESOLVED, that the public minutes of the meeting held on 26 May 2021 were approved as a correct record.

4. **HAMPSTEAD HEATH CONSULTATIVE COMMITTEE MINUTES (TO FOLLOW)**

The draft public minutes of the Hampstead Heath Consultative Committee (HHCC) meeting held on 6 September 2021 were received.

5. **FRONT LINE WORK UPDATE**

Members noted an update from the Health Team regarding Front Line Work.

The Committee was provided with an update from Paul Jeal, Supervisor of the Heath's swimming facilities. Members thanked the Swim Team for their phenomenal achievement to ensure the public were able to swim, which was a significant help to everyone's health and wellbeing during the pandemic and after.

6. **SUPERINTENDENT'S UPDATE**

Members considered a report and received a verbal update from the Acting Superintendent concerning matters relating to Hampstead Heath, Highgate Wood and Queen's Park. The following points were made:

Hampstead Heath Drone Guidance 2021

- Members were advised that HHCC Members expressed concern that the updated drone guidance was not strong enough. Drone incident statistics were provided to the Committee who noted that in the past seven years, there had been 110 incidents (16 per year). Officers were working with the Comptroller to address the issues and a Drone Request Form had been signed off by the Management Team and Heath Constabulary. It was noted that there were few occasions that drone use was allowed which required permission following approved Risk Assessments.
- A Member stated that drones were a widespread problem across open spaces and felt their use should be severely restricted for emergency services only. The Member felt that nobody had the right to film people in public space without consent, which was almost impossible to obtain.
- A Member queried how filming use was monitored as the guidance stated that the Drone Request Form was not mandatory. Officers agreed to seek further legal advice on whether the form could be made mandatory.
- A Member suggested reviewing the Heath's byelaws and including this within the guidance.

- The Chair noted that drones were used by Officers to monitor degradation of the land post-pandemic and extreme weather which was useful. It was agreed balance on the guidance was needed.
- Officers confirmed it was a complex area and the same arguments could be made for use of phones, video recorders and cameras. The key concern was what the footage was being used, if the drone has a camera, then the Data Protection Act and GDPR could apply.
- Members were supportive of the guidance and form but were concerned with how they could be enforced as drone pilots could be far away. Officers agreed this was a challenging issue. The Committee requested that this continued to be reviewed if the guidance did not work.

Divisional Plan 2021-24

- Members noted the Divisional Plan for 2021-24 provided at Appendix 2.

Playgrounds

- Members were advised that works at two of the Heath's playgrounds had been completed, with work to begin at the Preachers Hill playground in October 2021.
- With regards to the Heath Extension Playground Project, there had been significant public engagement and the feedback received would be considered. A fundraising page with opportunities to donate to the project would follow later in the year.

Professional Dog Walking Licence Scheme

- A request was made to delegate authority to the Town Clerk, in consultation with the Chair and Deputy Chairman of the Committee and the Superintendent, to finalise and implement the documentation in respect of the Professional Dog Walking Licencing Scheme.
- Officers continued to consult with the Hampstead Professional Dog Walkers Association. To inform a zoned approach to licencing, Professional Dog Walkers currently using the Heath were asked to provide details of the areas of the Heath they use. It was proposed that 10-15 licenses be issued per zone.
- The Chair reminded Members that this had previously been discussed at length by the Committee to agree the parameters, but the scheme implementation had been delayed due to Covid. It was hoped this could be approved and brought in Without further delay.
- Members discussed the key change of moving from 40 to 70 licences. It was acknowledged that the load would be spread across six zones. It

was also noted that AM/PM licenses were no longer being proposed and that Licences would enable Professional Dog Walkers to walk at any time of the day.

- A Member was concerned that people might trade the licences as they were valuable and stressed the need to have rules to ensure licences were not transferable. Officers confirmed they had previously sought legal advice concerning the possible trading of licenses and will ensure licences were issued to individuals.
- A Member highlighted the need to consider survey data (such as breeding birds) when mapping the six zones. complimented breeding birds. It was noted that dog walkers would be made aware of conservation areas within zones, which may be seasonal.
- A Member stated that English Heritage supported the Dog Walking Licence Scheme proposals and would bring in a similar scheme for Kenwood.
- Members were supportive of the changes and approved the request for delegate authority to progress with the scheme.

Planning

- The Superintendent updated Members on the following planning applications:
 - **Jack Straws Castle (2020/1828/P).** Members were informed of two issues concerning planning permissions for two dwellings near the boundary of the Car Park and a party wall. A surveyor has been appointed to investigate these concerns.
 - **Murphy's Yard.** It was noted that the proposal for a large residential site of commercial tower blocks had received significant local resistance and it would affect Heath views.
 - **55 Fitzroy Park (2018/3672/P).** A decision had not been determined, and Officers remained concerned by drainage issues and the impact on a pond used as a bird sanctuary.
 - **37 Lancaster Road.** Members were informed that planning had been granted but the project, which backed onto Highgate Wood, would have an impact on ecology, wildlife and trees.
 - **Cranwell House.** This development has received significant local opposition, due to a boundary issue with Highgate Wood and the impact on wildlife.
- With regards to Jack Straws Castle, a Member felt it was essential for the City Corporation to write to the land owner and inform them that anything on City Corporation land would be classed as trespassing. An injunction rather than damages was also recommended.

- A Member voiced support for action against Murphy's Yard and the position against oversailing at Jack Straws. There was concern this would be a landmark case for huge tower blocks and Members did not want to set a precedent for developments affecting views from the Heath.
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- A Member noted there was a difference between temporary oversailing, whereby a fee could be requested, and permanent oversailing which should be challenged. Officers confirmed the scaffolding at Jack Straws had been removed and that other matters were being dealt with.

Extreme weather

- The Superintendent advised that heavy rainfall on 12 July 2021 had led to higher-than-normal water levels at the Heath's Pond. Due to the impacts on water quality, the Bathing Ponds were closed. The Kenwood Ladies' and Highgate Men's Bathing Ponds reopened on 20 July and the Mixed Bathing Pond on 21 July.
- In response to a query regarding how often this was likely to happen, Officers explained this was difficult to predict but that extreme changes in weather patterns were being experienced more frequently. The key issue was water not being able to percolate the ground and subsequently entered the Ponds.
- Officers confirmed water quality was tested regularly and must adhere to strict classifications. The Bathing Ponds are closed if water quality is compromised.
- The Deputy Chairman was keen that this be kept under review as preparations would need to be made if this was expected to occur more often. Members were satisfied Officers were making correct and safe decisions and asked that Thames Water's obligations be monitored to ensure they are fulfilling their role.

Capital Projects

- Members were informed that a bid concerning the resurfacing of the Parliament Hill Athletics Track had been submitted and Officers were liaising with the London Borough of Camden, Stakeholders and external sports organisations to seek funding support for the bid.
- It was noted that the Athletics Track running surface was at the end of its useful life. Members were supportive of the bid and noted that the facility was well used and hosted important sporting events, which would not be able to continue if the bid was unsuccessful.

- In response to a question regarding grants from other charities, the Chair confirmed that many charities were still struggling and that funding opportunities not currently available. It was noted that Officers were speaking with officers from the London Borough of Camden, seeking CIL funding.

RESOLVED – That Members:-

- Approve the Drone Guidance attached at appendix 1, as set out in paragraphs 4-8;
- Grant delegated authority to the Town Clerk, in consultation with the Chair and Deputy Chairman of the Hampstead Heath, Highgate Wood & Queen's Park Committee and the Superintendent of Hampstead Heath, to finalise and implement the documentation in respect of the Professional Dog Walking Licencing Scheme ("the Licencing Scheme") which is required to commence the Licencing Scheme in October 2021, as set out in paragraphs 14-15;
- Approve the proposal to hold a Christmas Fayre on Hampstead Heath as set out in paragraphs 30-33.

7. OPEN SPACES DEPARTMENTAL BUSINESS PLAN 2020/21 - YEAR END PERFORMANCE REPORT

Members noted a report of the Director of Open Spaces regarding the Open Spaces Department's delivery of its 2020/21 Business Plan and Year End Performance report.

RECEIVED.

8. TWO YEAR REVIEW OF THE OPEN SPACES DEPARTMENT'S LEARNING PROGRAMME 2019-21

Members noted a report of the Director of Open Spaces providing Members with an overview of the Open Spaces learning programme from 2019 to 2021.

Members were informed that the programme has received core funding since April 2019 and delivers school, youth, play, community and volunteering opportunities to children and adults at Hampstead Heath, West Ham Park and Epping Forest.

Members were impressed by the engagement achieved and thanked the Team for their invaluable work.

RECEIVED.

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

Swimming Judicial Review

The Deputy Chairman requested an update. Members were informed that a hearing was scheduled for 9-10 November 2021 and Officers were working with the Comptroller and City Solicitors.

10. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

There was none.

The meeting ended at 5.39 pm

Chair

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