

HAMPSTEAD HEATH, HIGHGATE WOOD AND QUEEN'S PARK COMMITTEE
Wednesday, 11 March 2020

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, 11 March 2020 at 4.00 pm

Present

Members:

Karina Dostalova (Chairman)
Anne Fairweather (Deputy Chair)
Deputy David Bradshaw
Alderman Prem Goyal
Michael Hudson
Alderman Gregory Jones QC
Deputy John Tomlinson
William Upton QC
John Beyer (Heath & Hampstead Society)
Councillor Richard Cornelius (London Borough of Barnet)
Sam Cooper (English Heritage)
Adeline Siew Yin Au (Ramblers' Association)
Oliver Sells QC (Ex-Officio Member)

In attendance:

Tim Johns - Facilitator, Orato Consulting Ltd

Officers:

Colin Buttery	- Director of Open Spaces
Bob Warnock	- Superintendent of Hampstead Heath
Katherine Radusin	- PA to Superintendent of Hampstead Heath
Richard Gentry	- Constabulary and Queen's Park Manager
Declan Gallagher	- Operational Services Manager
Yvette Hughes	- Business Manager Hampstead Heath
Paul Maskell	- Leisure and Events Manager
Mark Jarvis	- Head of Finance, Chamberlain's Department
Sanjay Odedra	- Media Team, Town Clerk's Department
Edward Wood	- Chief Solicitor, For Comptroller & City Solicitor
Leanne Murphy	- Town Clerk's Department

1. APOLOGIES

Apologies were received from Ruby Sayed, Rachel Evans, Councillor Thomas Gardiner, Graeme Doshi-Smith and Wendy Mead.

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 22 January 2020 were approved as a correct record.

4. **ANNUAL REVIEW OF THE COMMITTEE'S TERMS OF REFERENCE**

The Committee considered a report of the Town Clerk concerning their Terms of Reference.

The Chairman reminded Members of a request from the last meeting for a representative for disability to be included within the Committee's terms of reference. Members were informed that the Town Clerk sought legal advice as the constitution was defined by statute and confirmed there were no legal implications under the London Government Reorganisation (Hampstead Heath) Order 1989 that would not allow representation of disabled persons to be included.

Members discussed including wording to include disabled groups and it was noted that there were potentially other groups of need that could also be included. It was agreed that due to the intensive workload on Officers who were currently working on a number of high priority projects and the Chairman and Deputy Chair's proposal to carry out a full review of both the Consultative and Management Committees next year, it was agreed that the terms of reference remain as they currently were pending a full review next year.

RESOLVED - That:-

- the terms of reference of the Committee, subject to any comments, be approved for submission to the Court in April 2020 as set out in the appendix; and
- 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 Chair.

5. **SUPERINTENDENT'S UPDATE**

The Superintendent drew Members attention to the Annual Work Programme and agreed to a number of changes that had been highlighted by a Member including a reference to Japanese Knotweed Management at Queen's Park and Hampstead Heath.

The Superintendent recommended that a small Working Group be established to progress the development of the Code of Conduct for Dog Walking.

Members acknowledged the timeline for tendering the cafés would be challenging in view of Officer's current workload.

The Chairman requested that Members to email if they had any further comments of the Keep Britain Tidy report.

RESOLVED – That:-

- Members provide feedback on the Annual Work Programme 2020-21 (Appendix 1);
- Members approve the recommendation for further consultation to be undertaken in relation to the development and introduction of a code of conduct for dog walkers and a licensing scheme for commercial dog walkers, as set out in paragraphs 25-26;
- Members note the Heath Café tendering timeline as outlined in paragraph 30 and give feedback on the proposal to issue ten-year leases as set out in paragraph 31;
- Members to provide feedback on the Keep Britain Tidy report appended to the report (Appendix 3).

6. **HAMPSTEAD HEATH SWIMMING REVIEW 2020**

The Committee considered a report of the Director of Open Spaces concerning the Hampstead Heath Swimming Review 2020.

The Chairman noted that this was an emotive item which had received lots of press and media attention. It was noted that the Swimming Review focused on the learning from summer 2019, advice received from the Health and Safety Executive (HSE) and the City Corporation's duty of care towards staff and swimmers. The HSE advice was received following an investigation into a tragic fatality at the Highgate Men's Bathing Pond on 1 June 2019. The following comments were made:

- A full review of the 2019 summer season began in early October 2019. Following receipt of the HSE advice and the findings of the Coroner's Court in late October 2019, the review recommenced in January 2020 at the first of several meetings with the Hampstead Heath Swimming Forum. Full details of the Swimming Review and the notes of the Hampstead Heath Swimming Forum meetings were presented to Members as part of the agenda pack.
- Members of the Hampstead Heath Consultative Committee (HHCC) considered the Swimming Review findings at their meeting on Monday 9 March 2020. Ahead of the meeting, a small number of swimmers gathered outside the Parliament Hill Yard to protest. A number of Swimmers also sat in the public gallery of the Consultative Committee meeting.
- The Chairman thanked the Hampstead Heath Swimming Forum for their input into the Swimming Review and confirmed that the Ponds did not make a profit, and that all income raised at the Ponds was and would continue to be put back into the management of the facilities.
- It was noted that the majority of HHCC Members preferred Option 2.
- Members agreed that the current level of subsidy for swimming was not proportionate.

- The HHCC minutes and 144 email correspondence was received concerning the Swimming Review, these were shared with the Committee in advance of the meeting and noted.
- Officers recommended Option 3 which would include an applied charge allowing for clear messaging for Lifeguards and Rangers.
- An independent facilitator from Orato Consulting Ltd (Tim Johns) who had facilitated discussions at the Swimming Forum Meetings provided a summary of the process.

The facilitated sessions were held to ensure that all Members of the Swimming Forum, and the Members of the Swimming Associations had the opportunity to provide input and ideas, and to ensure all views were heard.

The City Corporation's Duty of Care and Health and Safety were key to the review and that the huge increase in demand over the last few years was unmanageable. The current lack of contactless payments facilities and the signage have contributed to not achieving compliance of payments.

Swimming at the Ponds was an enormous passion for the community, and everyone loved swimming at the Ponds. It was appreciated that there were huge difficulties for the Lifeguards in managing busy days, but it was hoped the decisions would not affect all the other "normal" days. The issue of payment was complex with varying views from "can pay - will pay", "can pay - won't pay" and "can't pay", the former of which was the majority view.

The majority view of HHCC and the Swimming Forum was for Option 2 to create a culture of compliance and establish goodwill with the community. There was concern that a rushed decision for the 2020 season would not provide the opportunity to trial the system or roll out new technology. There were also questions around robustness of data, i.e. how many people use the facilities. A transition period should be considered.

- The Town Clerk read Wendy Mead's statement: I fully support the Chairman and the Deputy Chair's proposal for implementing swimming charges at the Hampstead Ponds. In view of the financial shortfall in running costs, this is the only viable solution for the future of these well-loved facilities. We all must play our part, City of London Corporation and users, in continuing to maintain high levels of Health and Safety both through Lifeguard duties and water quality, for the benefit of all.
- A Member advised that the Heath and Hampstead Society (H&HS) supported Option 2 as a better charging system as it was felt that persuasion was a better approach over compulsion and felt that the Committee was duty bound to follow the opinion of HHCC Members. The Member referenced a principle, reflected in the Hansard minutes of 13 December 2017 during discussion of the Open Spaces Act and

acknowledged as the correct procedure in the case of the proposed statues at Kenwood in 2019, that the Management Committee should follow the advice of the Consultative Committee. Referring to Charging Rate Option A (£2 Adult, £1 Concession) on page 125, it was noted that a low rate of compliance (e.g. 6%) raised £67k, then ten times that (e.g. 60%) would raise £670k. The Member stated that compliance would only happen if the City Corporation carried out an appropriate PR campaign to promote notions such as "It's cool to pay for the pool" and to make use of celebrities. The H&HS also felt that new fencing should be avoided and recommended hedging/planting.

- A Member supported Option 3 and did not agree that the City Corporation should wait a year to implement this as Health and Safety issues needed to be addressed now and the process for self-policing payment had been in place for years with little compliance. The Member stated that whilst there was an articulate user group, he did not respond to underline threats of non-cooperation. The position of HHCC was acknowledged, but overall, the Member felt that the City Corporation would be open to criticism if it did not act and it was helpful to assess similar comparators elsewhere.
- A Member stated that regardless of the Charging Rate option chosen, self-policing had not been shown to work. It was requested that the charging model and charging rates be considered separately.
- In response to a query concerning to what extent the Heath was common land and the legalities involved. Members were informed that two thirds of the Heath were Registered Common land. As the City Corporation was acting under statutory authority and not proposing for new enclosures in the recommendations, additional consent was not required.
- Members questioned how much weight HHCC recommendations carried by law. An Officer confirmed that the Management Committee were not duty bound to follow HHCC advice but must consider it when making decisions.
- With regards to legislative powers described under paragraph 42, a Member highlighted that the City Corporation was entitled to enclose swimming facilities and make charges as it saw fit. The Member noted that self-policing charging had been in place for 15 years and had no confidence that compliance would occur unless mandatory charging was brought in through Option 3. The Member concluded that the City Corporation would receive negative press whatever the decision and recommended introducing charging level Option F (£6 Adult, £3.60 Concession) straight away rather than the charging rate increasing over time.
- Regarding the option to allow non-lifeguarded swimming via Swimming Clubs, a Member was concerned that the City Corporation and the Clubs would be liable should an incident occur.

- A Member stated that they did not think it made sense to select a charging rate, only for it to be reviewed and changed again in a year and therefore supported charging Rate D (£4 Adult, £2.40 Concession) with Option 3.
- Several Members echoed sympathy for the swimming community's preference for Option 2, but ultimately agreed that self-policing (which was introduced in 2005) had not worked, as evidenced by the current level of income achieved. It was therefore agreed that a year's delay would not change anything, and Option 3 was the only viable choice.
- The Chairman of the Open Spaces and City Gardens Committee provided context for the costs involved stating that the annual report declared £42m for Open Spaces, a net cost of just over £20m, which covered 4,500 hectares of historic and natural open space owned and managed by the City Corporation. Compulsory payments have been introduced in nearly all sports, car parking, etc, and it would be inconsistent to continue charging swimming at the Heath on a voluntary level considering the extraordinary patience over the last 15 years. It was noted that swimming venues across London charged more than £4 and the costs being proposed were not unreasonable. The Chairman of Open Spaces and City Gardens Committee summarised that Option 3 was the only option to bring in control, safety and income to support the running of the facilities.
- The Deputy Chair advised that she was a regular Lido swimmer and joined the Committee due to her love of the Hampstead Heath Swimming Ponds, which she visited as a child. Whilst there were differences between the Bathing Ponds and Lidos, the management of both required effective safety measures and lifeguarding. The Deputy Chair highlighted that a £4 charge and Option 3 would still make the Heath one of the cheapest swims in London and there was a heavily subsidised Season Ticket to accommodate regular swimmers.
- The Deputy Chair highlighted that when looking at options, feedback had mostly been heard from regular swimmers but not a wider/broader group of swimmers at the Heath. It was acknowledged that if everyone agreed they were happy to pay, then the choice between Options 2 or 3 changed nothing in practicality. The Deputy Chair felt that a clear message of compliance was needed capturing everyone beyond the local Heath swimming community and that a trial of Option 2 before moving to Option 3 would cause confusion and waste time. Option 3 was best for long-term investment to ensure the Bathing Ponds remained open 365 days of year unlike other facilities that have shorter summer hours and close out of season. The Deputy Chair backed Option 3 and a £4 charge noting that there had been no increased in 15 years.
- A Member echoed the Deputy Chair's views and felt that Option 2 would be difficult to implement for staff rather than Option 3 which was consistent on an operational level. With regards to charging levels, the Member considered £4 to be reasonable and felt that they needed to be honest

about what the cost should be, or they would need to be put up again soon.

- A Member was torn between Options 2 and 3 acknowledging that it would appear rushed to the local community after so much time. However, from a corporate perspective, the City Corporation has its own financial concerns to manage with tremendous pressure for all Departments to reduce costs. Option 3 was therefore regarded as the only credible option to ensure commitment to payment.
- A Member suggested looking at peak hours charging.
- The Chairman supported the need for sensitive funding to support users that could not afford to pay to swim.
- A Member felt that a concept of fairness was needed across all groups and supported Option 3.
- A Member drew attention to the HHCC feedback noting that the Heath was surrounded by people using food banks and queried if a survey of the different users of the Ponds had been undertaken. The Member was conscious that increasing the charges quickly could cause local resentment and felt more time was needed to implement changes.
- The Chairman stated that HHCC recommended Option 2 but the majority of HHMC Members appeared to support Option 3.
- With regards to the level of price point, a Member questioned why the estimates provided were based on figures from two years ago rather than the 650k people that visited last year. The Superintendent confirmed that 2017/2018 and 2018/2019 were peak visitor summers with heatwave weather. It was also noted that visits (not swims) were based on beam breakers for someone entering the facilities, this included sunbathers and users entering through the back gate at the Kenwood Ladies' Bathing Pond were not captured. Data from 2016/2017 was therefore used to model the figures.
- The Superintendent stated that technology would be brought in to count the number of people at each Bathing Pond. This information would be used to manage peak loading.
- The Deputy Chair stated that the Swimming Review had highlighted the poor swimming data available and the huge impact of weather. It was suggested that new data may bring different findings and a Committee review, but there was a need to go forward with the current data and assumptions.

- Members discussed the benchmarking data captured in January 2020. It was suggested that Option 2 could be modified in conjunction with Charging Rate Option F (£6 Adult, £3.60 Concession) for summer and Charging Rate Option D (£4 Adult, £2.40 Concession) for winter.
- The Chairman suggested taking each of the recommendations separately for Members to vote on.
- Regarding a possible Option 2+ (Option 2 with progression to Option 3), the Deputy Chair was concerned as by April there would be new Members from the April Court election. A Member felt that Option 2+ was not suitable.
- A ballot was cast in relation to the Charging Model: Option 2 – 2 Members, Option 3 – 9 Members, Abstention – 1 Member, giving a clear majority for Charging Model Option 3.
- With regards to Charging Level, a Member queried the Officer recommendation for Option D (£4 Adult, £2.40 Concession) and a phased approach, as detailed in paragraph 19 of the report. The Superintendent noted from HHCC discussions that it was not regarded as helpful to hold a charge for long period of time. An incremental jump within Option D was suggested to help address the sudden change and bring fees back in line with the annual fees report informed by benchmarking with similar providers.
- Members discussed the need for a phased approach. Members felt a phased approach was unnecessary and unfair as there was already an annual review process. It was agreed Option D (£4 Adult, £2.40 Concession) as recommended by Officers.
- The Chairman added that Option D (£4 Adult, £2.40 Concession) was more in line with other activities at Heath which were reviewed annually.
- Following a suggestion by a Member, the Chairman asked if there was support for Charging Rate Option D (£4 Adult, £2.40 Concession) for winter and F (£6 Adult, £3.60 Concession) in the summer on day tickets which was seconded.
- The Deputy Chair was against an amendment to vary costs for seasons in cold water swimming as the summer costs subsidised winter when there were much less users. It was also felt that different prices would cause communications issues. The Chairman echoed this view and wanted clear and fair pricing.
- A ballot for the amendment to split day ticket prices to Option F (£6 Adult, £3.60 Concession) for summer and D (£4 Adult, £2.40 Concession) for winter was cast. Yes - 5 Members and No – 8 Members. the amendment was therefore not carried.

- A ballot was cast for Charing Rate Option D: Yes – 11 Members, No - 0 Members, Abstention – 1 Member, giving a clear majority in favour of Charing Rate Option D.
- Members agreed to freeze season ticket prices until April 2021.
- A Member felt that £2.40 was an awkward amount for cash payers and suggested rounding this number up for simplicity.
- Members considered the concessions options. Members were advised that the groups applicable for concessions at paragraph 36 were based on the model at the Lido. Members welcomed the proposal in paragraph 38 to provide concessionary rates and free early morning swims to over 60s and under 16s in the Bathing Ponds.
- A ballot was cast on the package of concessions listed under paragraph 38: Option A – 3 Members, Option B – 0 Members, Option C – 9 Members, giving a clear majority in favour of Concessionary Option C.
- The Chairman thanked Members and confirmed that the Swimming Forum would continue to discuss the implementation arrangements.

RESOLVED – 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.

7. HAMPSTEAD HEATH EXTENSION, CONSULTATION ON USE OF PREMISES (ANNEX ROOM)

The Committee considered a report of the Director of Open Spaces providing Members with an update on the outcome of an engagement and consultation process regarding the use of the Hampstead Heath Extension Annex Room.

Members were advised good user engagement had taken place including an online survey. Strong support was received for a kiosk that was sympathetic to users (including offering refreshments provided there was no waste), nature and was fully sustainable.

A Member noted they were in favour of kiosk if a sustainable model was adopted. Members were supportive.

RESOLVED – That Members:-

- Provide feedback on the report findings (Appendix 2);
- Approve the recommendation to proceed with a tender for the lease of the Annex Room as a refreshment kiosk, as set out in para 22.

8. REVIEW OF THE 2019 EVENTS PROGRAMME & PROVISIONAL 2020 EVENTS PROGRAMME

The Committee considered a report of the Director of Open Spaces detailing the successes and learning from the 2019 Hampstead Heath Events Programme and setting out the proposed 2020 Events Programme.

Members were advised that 2019 was a busy year with 115 events. The Officer Events Group were thanked for their assistance following the first year since their introduction.

The Leisure and Events Manager noted two big events – Affordable Art Fair and Night of the 10k Personal Bests – who were now both reviewing event arrangements light of the Coronavirus concerns. Members supported a rescheduling of events if dates needed to be moved as a result of the Pandemic.

RESOLVED – That:-

- 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 agreed the proposed 2020 Events Programme (Appendix 2).

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

There were no questions.

10. ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT

There were no urgent items.

11. **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.

12. **NON-PUBLIC MINUTES**

RESOLVED, that the non-public minutes of the meeting held on 22 January 2020 were approved as a correct record.

13. **NON-PUBLIC APPENDIX: REVIEW OF THE 2019 EVENTS PROGRAMME & PROVISIONAL 2020 EVENTS PROGRAMME**

The Committee considered a non-public appendix to the report under agenda item 8 pertaining to the successes and learning from the 2019 Hampstead Heath Events Programme and setting out the proposed 2020 Events Programme.

14. **NON-PUBLIC QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE**

There were two questions.

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

There were no urgent items.

The meeting ended at 6.12 pm

Chairman

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