

From: Chris Piesold
Sent: 27 September 2020
To: Fairweather, Anne <Anne.Fairweather@cityoflondon.gov.uk>
Cc: Warnock, Bob <Bob.Warnock@cityoflondon.gov.uk>
Subject: HMPA departing Chair

Dear Anne

As I step down today from the HMPA Committee I would like to leave you with some parting thoughts on the recent Consultation and the choices that I believe are still there to be made. Make no mistake you and your predecessors Karina Dostalova and Catherine McGuinness have orchestrated a disaster. The tragedy for all is that it was unnecessary. With some imagination and generosity of spirit you could have achieved your financial objectives through cooperation and collaboration rather than commodification, confrontation, and coercion.

The Consultation

As the "consultation" recedes behind the Pandemic and some activity at the Ponds returns it is a good time to take stock of what took place earlier this year because, aside from a few virtual meetings, there has been no real opportunity to respond to or audit what has come to pass.

The prickly truth of the "consultation" comes down to two things:

1. The obvious disdain felt by the overwhelming majority of the Management Committee towards swimmers as clearly expressed at the meeting of 11th March - and the need to give them a bloody nose for what had taken place in 2005.
2. That it was all about money.

We, the swimming associations, were summoned at the beginning of the year, we believed in good faith, to a root and branch review of swimming on the Heath. In the first meeting the City was asked what the bottom line was – i.e., what was the financial objective? We were told there was none - everything was up for discussion.

There was a lot of discussion and all the local associations and your own Consultative Committee supported your option 2 (of the 5 presented).

While the "Consultation" was taking place the Chairman of your Committee was briefing the press "Fewer than four per cent of swimmers at Hampstead Heath ponds buy a ticket, resulting in a £680,000 shortfall in the budget to operate them, figures reveal today". This was neither helpful or truthful; thanks to the poor data collection and cash management, no one (City or swimmers) knew how many swimmers there were or how many had paid, or indeed how much they had paid.

So the first big deception was presenting the exercise as if there were true choices to be made. This deceit was exposed when your Management Committee ignored the recommendations of all those consulted.

The second deception was to say no subsidy level had been set. No subsidy level was ever discussed during the consultation process, and the options were only published after the "consultations" had finished.

The fact the draft options (subsidy and charges) were never discussed with the consultees made the whole consultation process a joke, but the options and charging models in themselves were flawed and misleading. Five charging options were discussed and six income models were presented - all alongside subsidies computed for each one as if the overhead costs for all charging options were the same, when they clearly were not. Options 1-4 would obviously all have a different cost base because of their different staffing requirements. Also, if the City adopted option A and stopped calling voluntary contributions "charges" they would not be subject to VAT - which would result in a massive saving. Option A, with its much lower overhead, was presented as if it had the same costs as options B-F, which is evidently untrue.

What was disingenuously called a "consultation" was clearly unnecessary as your Committee had clearly made up its mind in advance (you might have a statutory obligation to do something like this but it served no

purpose for any consultees other than to pretend to offer a false sense of engagement and belief they were heard) and has been divisive and destructive - pitting Heath users against the City, and ending pond swimming for many until the policy changes. I have no doubt you and the Heath Team are experiencing deep anger directed against the City, and - unacceptable as some of it is - you may well recognise it was both unnecessary and avoidable, and entirely engendered by your actions. Rather than declare a war on the swimmers that will continue for years, as you and your predecessors did, I would propose another way forward outlined below..

A real consultation would have directly presented the subsidy required by the City on day one, and then discussed the income models with their varying different cost bases for all of them, and would also have been open about the massive impact of both VAT on revenues and compulsion on costs. Since you never told swimmers the intended destination regarding a level of subsidy, it was impossible to work with you to navigate the way. As it was we were strung along while seeking to engage in good faith, when in truth - in spite of our repeated requests - you avoided ever discussing the key point with us: the City's bottom line and how you wanted to achieve it.

The damage this has done to the swimming communities and the culture of the ponds is incalculable. As evidenced by the Management Committee meeting, the decision-makers appear remote and judgemental of a culture of which they know nothing. You and your predecessor treated us with deepest contempt in encouraging and listening to our submissions - and then voting against all of us. You knowingly wasted our time and energy. and made public fools of us.

I am stepping down as Chair of the HMPA as I have personally been deeply compromised by you and your colleagues. By trying to work with you it has become apparent we were in fact colluding with an enemy in a process that would dispossess many who were depending on us to help them retain access to the ponds they cherished. Not only have you tarnished yourselves, but you have damaged by association all those who sought to work with you.

The Way Forward - Amenity or Commodity

From your press release dated 11/3/2020, the same day as the Committee meeting where the decisions was taken:

"The future sustainability of the Hampstead Heath bathing ponds has been secured following a detailed review and close engagement with swimmers. To ensure the bathing ponds are run with a sustainable management model, the City Corporation is changing its payment scheme for using the swimming facilities to reflect rising costs."

Please don't treat us as fools. Reported Hampstead Heath costs have not increased but in fact declined in recent years (as a result of the City's "efficiency" savings of the last decade) The applied level of costs arise from your decisions on asset allocation, and you are not the passive victim of this. Vulnerable people are the victims of your policy to reduce your exposure by increasing costs to enforce payment. Some relevant points include the following

1. The Heath budget in real terms is declining year on year - inflation adjusted it is down 26% on 10 years ago.
2. The Ponds' costs adjusted for inflation between 2010 and 2018/19 actually fell by 4% in spite of visitor numbers (based on your numbers) increasing 142% over the same period.
3. City Cash accounts reveal over last 4 years that Open Spaces spending is barely keeping pace with inflation and the City is choosing to allocate its resources elsewhere. For example, between 2016 and 2019 Pension Costs +189%, Private Education +29%, City Representation +14%, Grants +189% - against Open Spaces allocations of just +6%.
4. There is nothing inherently wrong about reallocation of resources but there is something very wrong with blaming the parties affected by this change - in this case, the "dishonest" swimmers - rather than just stating the facts.
5. I would contend that the future of ponds swimming has been far from secured by the recent changes to charging. The City are seeking to increase income from swimmers by 922% - though compulsion - in order to reduce their net costs 43% below the inflation adjusted Ponds' costs incurred in 2010. There is no guarantee of this being achieved, and I am not aware of any undertaking to maintain services should this income

number not be achieved.

6. I would also contend, based on the last 10 years, that cuts to the Heath and Ponds' costs are progressive, and if the City continue along their current trajectory Heath and Pond users will be increasingly squeezed between need to cut costs and increase income.

7. The law allows the City to fence off and charge for access to the Ponds but not to make walkers, cyclists, or dog owners pay. This, coupled with the renewed interest and demand for open water swimming nowadays (the City itself has promoted it) allows enforced payment for the Ponds to become a 'sweet spot' to increase income.

Since the City wants to drastically reduce its support for Pond swimming from its own endowment funds (and maybe entirely - even if that breaks the spirit of the commitment made back in 1989), I would propose that you investigate the creation of an endowment fund, independent from the City, that can eventually generate enough funds to keep the ponds open and staffed. Given the iconic nature of the Ponds to Londoners, and now much more widely, and also the City's wealth and influence, I would suggest working with as many fundraising experts - as London's museums did - to establish either a capital sum or some form of subscription that can generate the resources required to allow access for all, as it was before. Especially at the moment in the Covid pandemic, where travel is restricted and there are many jobless and poverty stricken in London, having unfettered access to the ponds will be a lifeline to physical and mental health for many. This is an argument that can be easily be explained to potential benefactors.

To sum up, the City is at a crossroads and its choices now will define its public persona for generations. It can:

a) Persist in its drive to cut costs and raise revenue though charging where it legally can for open space access and hope that resistance melts away and the media considered important remain ignorant or indifferent.

b) Reengage with the Heath and Pond users to find a strategy that seeks to meet the City's required net contribution target but without compulsion - as all the consultees in the last exercise suggested

c) Come clean about the long term strategy for income allocation to Open Spaces and the Ponds, and if there is a funding gap for Ponds' swimming that is justifiable (i.e., you honestly identify where you would rather spend the £618K you intend to extract from swimmers). We note that, with VAT swimmers will need pay £742K to fund this, and as much as 40% of the total amount would be comprised of VAT and enforcement costs - meaning that without charges fundraising would need to generate much less than this amount (i.e., around £450K) for the City make its required savings. This option would require the City to reengage with all stakeholders in a spirit of genuine openness and cooperation to work together, and for the City's role to evolve somewhat from the authoritarian dispenser of charity to the dishonest and undeserving. Given the iconic nature of the ponds, and with sufficient goodwill and support, it might even be possible to make them self-funding and thus more autonomous and remote from the current hostile decision makers on your committees.

Kind regards

Chris Piesold Former Chair HMPA

From: Fairweather, Anne <Anne.Fairweather@cityoflondon.gov.uk>
Date: Sun, Oct 4, 2020
Subject: RE: HMPA departing Chair
To: Chris Piesold
Cc: Warnock, Bob <Bob.Warnock@cityoflondon.gov.uk>

Dear Chris

Thanks you for taking the time to write last weekend.

I am sorry to hear that you are not happy with the outcome of the swim review. In some respects I agree with you, the review was about money, and indeed safety.

The decision not to enforce charges for 15 years was also about money, the level of subsidy swimming received during that time.

Within the swim review as you know there was a view that with the need to respond to the large rise in swimming numbers, and the health and safety executive advice, would result in more cost.

The management committee took the decision on the level of subsidy, and the papers outlined many options. I don't think we could have pre-judged the outcome of that discussion in the consultation. That would also not have been an appropriate response.

Thank you for your thoughts on VAT.

As regards to the Heath budget, the management committee has the task of managing the Budget of the Heath. As the Heath is run as a Charity we have to work within the funding we receive, which is primarily from the City of London's funds.

It won't surprise you to know that I frequently make the case for open spaces funding within our discussions in the Corporation. However like all organisations there are competing priorities and I sadly don't win every battle.

If the swim associations wish to come forward with proposals to make the ponds self-funding, as the trustees of the Charity we would be very happy to consider them.

In the mean time I would simply recognise that the ponds and the lido have been enjoyed this summer by many swimmers. And the cost has been low in comparison to other out-door swimming venues.

When I swam in the Ladies Pond last week, personally I thought the special atmosphere of the pond, and the friendly and open culture, was very much in evidence.

As Chair I am committed to preserving these unique swimming ponds for many years to come

Kind regards
Anne

From: Chris Piesold
Sent: 12 October 2020
To: Fairweather, Anne <Anne.Fairweather@cityoflondon.gov.uk>
Cc: Warnock, Bob <Bob.Warnock@cityoflondon.gov.uk>

Dear Anne

Thank you for taking the time to respond.

I remain confused. During the consultation money was hardly discussed and certainly we had no opportunity to examine or discuss the income options later presented to the Management Committee. You say "the review was about money" yet in the consultation we were not able to discuss your income models or the additional costs and what they consisted of (eg HSE recommendations, enforcement costs, etc).

In fairness and out of respect to all those who gave so much of their time and goodwill, I would appreciate answers to the following questions.

1. Does the City Solicitor always attend the Management Committee meetings and, if not, why did they attend this meeting in particular? Was it because you knew full well before the meeting that the decision would disregard the expressed unanimous (except the chair and vice chair) recommendations of the Consultative Committee?

2. Had the Policy and Resources Committee discussed or set any funding targets for Hampstead Heath and more specifically for the element of that funding required for

Hampstead Heath and more specifically for the element of that funding required for the swimming ponds? In the context of such discussions, had the Management Committee had any debate or briefings in advance about the level of "subsidy" deemed appropriate for the ponds?

3. The Open Spaces subsidy in real terms has clearly been declining year-on-year (25% in a decade). Does the City intend to further cut its financial support for open spaces, by any means available, or is there a commitment to maintain funding at current levels? Are the financial pressures derived from reduction in disposable income or because the City would prefer to divert its resources elsewhere?

4. Please break down precisely the cost increase of £314K put forward to your Management Committee, to show allocation for additional safety measures recommended by the HSE, staffing, other overheads, and - as a separate element - the infrastructure and staff required to enforce charging, and any other material element in this number. I no longer frequent the Heath, but when I do visit I note that staffing at the Men's Pond seems to have doubled.

5. For income, why did you not work with the swimming associations to explore how to grow the income both with and without enforcement? This would have allowed you to have target-based inclusive discussions with stakeholders rather than just presenting historic numbers without reference to us ?

Turning from the past to future "consultations", I would respectfully suggest that, if you truly want to consult, you consider the following steps which might grant some validity to the exercise and make it more than just a cynical PR stunt.

1. Define precisely what you mean by "sustainable management model". What model? What determines its sustainability? What does "management" mean in this context? You say that you want "future generations to enjoy the benefits of swimming outdoors", but you don't adequately explain why you have to force them to pay for that privilege when earlier generations were not forced to pay?

2. Since you allege the review was about "safety" and "money", it is not unreasonable to infer that you might consider staffing levels and their associated costs to be key to both. I would therefore suggest a "detailed review" would include disclosure and discussion of the details of your proposed staffing and the costs for each option that you would like to be "reviewed" and not wait to publish your options only after the review has concluded.

3. You say "As Chair I am committed to preserving these unique swimming ponds for many years to come" and your communique states "The future sustainability of the Hampstead Heath bathing ponds has been secured". These are grandiose statements, but please demonstrate the substance to your words; the City

has reduced Heath funding by 25% these last 10 years, so what commitments or guarantees have actually been put in place that unequivocally demonstrate "The future.... has been secured"? I would suggest that if you believe the only way for the ponds to remain open is to levy substantial enforced charges (which will be reviewed to achieve income targets you may or may not yet have decided upon) and incur the costs associated with collecting them, then it would be honest just to say so. It is not a crime to betray the obligations the City willingly undertook all those years ago, but it is both wrong and destructive to obfuscate and skate round your true intent.

4. I notice now at the Men's Pond some new lifeguards I have never seen before. If part of your plan is to have more but less experienced (presumably cheaper) part of your plan is to have more but less experienced (presumably cheaper) lifeguards as your nod to the HSE on staffing levels -"the welfare of the lifeguards"- I would suggest this is something that the swimming associations would wish to have discussed. The longer serving lifeguards may be more expensive, but surely there is no substitute for experience in managing and mitigating risk?

Kind regards

Chris Piesold Former Chair HMPA

From: Fairweather, Anne <Anne.Fairweather@cityoflondon.gov.uk>
Date: 20 October 2020
Subject: RE: HMPA departing Chair
To: Chris Piesold
Cc: Warnock, Bob <Bob.Warnock@cityoflondon.gov.uk>

Dear Chris

Thank you for your further thoughts.

I understand that we have been in discussions with the Swimming Associations for many years about how we increase revenue at the Ponds and encourage payment. Unfortunately, these discussions had not resulted in any major change.

At the Management Committee meeting on 11 March a series of options for subsidies were considered. As Trustees of the Hampstead Heath Charity Members must consider how Heath funds are best utilised to achieve the Heath's charitable objectives.

The City Solicitor attended the Management Committee meeting on 11 March due to a question which had been submitted regarding the Common Land status of the Heath. The Superintendent liaises with the Chief Lawyer ahead of Committee meetings to discuss the reports being presented to Members.

In recent years the City of London has invested significant funds in the Heath. Aside from the Ponds Project, Capital investment has been granted this year for Health and Safety improvements to the East Heath Car Park. The Superintendent is also seeking funding in 2021/22 to improve access at the Bathing Ponds, resurfacing the Athletics Track and works to replace the timbers at the Pergola.

In the meantime we remain committed to working to mitigate the impact of the COVID- 19 pandemic on the Heath budget and to ensure finances are on a sustainable footing for the medium-term. The Superintendent has prepared a swimming update based on August 2020 actuals for the Consultative Committee which took place on Monday. This will be updated for the Management Committee in November. A review of the full year will be prepared for the Consultative Committee following the end of the financial year.

There has been no change to the Heath's permanent Lifeguards. Three permanent Lifeguards are currently being supported back into the workplace following long term sickness. To maintain the swimming provision their shifts have been back filled by casual Lifeguards. A team of Fixed Term Contract (FTC) and casual Lifeguards have been employed since May 2020 working across the three Bathing Ponds and the Lido. This support is critical to delivering the Lifeguarding Model that was an outcome from the Swimming Review. The FTC and Casual Lifeguards bring a wealth of knowledge, experience and vibrancy to the role to the role. They are fully qualified and are paid in- line with the City Corporation's approved pay scales.

We are very proud of what we have been able to achieve this year providing outdoor swimming when many organisation's have struggled to reopen their facilities. It is a combination of the City's commitment towards swimming on the Heath and the decisions Member's have taken to allocate resources from the Heath's budget, that has made this possible. As an outdoor swimmer myself I know how valuable having access to swimming is, especially in the current circumstances.

Moving forward, we look forward to discussing the 2021 summer arrangements with the Highgate Men's Pond Association and the other swimming associations. Now we have finally made progress on putting in place the changes needed for the long term sustainability of the ponds and the lido, along with managing coronavirus issues, I hope that the road ahead will be somewhat smoother.

Kind regards

Anne