

The Lottery Forum's
Independent Complaint Review Service

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**A stage-three review into a complaint by Roger Eastoe on behalf of
Save the Beckenham 18 relating to the development of Beckenham
Place Park**

A report for the Heritage Lottery Fund

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1. Introduction

1.1 This is the report of an independent review of a complaint made by Mr Roger Eastoe on behalf of 'Save the Beckenham 18'. It relates to a decision by Heritage Lottery Fund ('the Fund' or 'HLF') and Big Lottery Fund in England to award funding to an application by London Borough of Lewisham for the restoration of Beckenham Place Park from the 'Parks for People' programme¹. The programme gives grants to projects related to the heritage of parks and cemeteries.

1.2 The Fund received an initial project enquiry from Lewisham council in May 2013. The council subsequently submitted its round one application on 28 February 2014. The application was considered by the Heritage Lottery Fund/Big Lottery Fund Joint Parks for People Board on 24 June 2014. The project was awarded a grant of £270,500 to support the development of a more detailed, second round, application. Second round applications are considered afresh. The estimated total value of the project was £4.9m.

1.3 Following the decision Carole Hope wrote to the Fund to raise a number of concerns. The exchange of correspondence included passing through stage 1 and 2 of the complaints process. On 6 January 2016, Mrs Hope wrote to the Fund saying that she did not propose to progress the complaint to stage 3, although she set out a number of continuing concerns.

1.4 On 23 January 2016 Mr Eastoe wrote to Carole Souter, the then chief executive of the Heritage Lottery Fund, to say that he shared the concerns that Mrs Hope had raised. He also raised further issues and questions. There was further correspondence between Mr Eastoe and the Fund between January and March 2016. On 31 March 2016 the Fund wrote to Mr Eastoe confirming that the equivalent of the two stage process had been completed and that the complaint could proceed to the independent review stage.

1.5 Verita accepted the complaint for independent review on 29 April 2016. The terms of reference were finalised on 25 May 2016. I, Kieran Seale, a senior consultant at Verita reviewed the complaint.

¹ Decisions are made jointly but the Heritage Lottery Fund administers the scheme on behalf of both funders.

1.6 The issues raised by Mr Eastoe are that Lewisham council obtained the award under “*false pretences*” and that the Fund has failed to fully answer the questions that he has raised with them. Particular areas of concern are:

- the financial status of the golf course, as described by Lewisham council; and
- the information it supplied to the Fund about consultation.

2. Terms of reference

2.1 The Heritage Lottery Fund's complaints procedure provides for an independent review of the way that the Fund dealt with the issues raised by the complainant. The terms of reference for the review are set out below:

"To review whether the Heritage Lottery Fund applied its policies and procedures correctly when assessing the first round application for funding by Lewisham council for the development of Beckenham Place Park.

The review will specifically focus on:

- whether the Heritage Lottery Fund's policies and procedures for evaluating information provided by applicants were of a suitable standard and were properly applied to the proposal submitted by Lewisham council; and*
- whether the Fund correctly handled the issues raised with them by Mr Eastoe and those issues raised by Mrs Hope in email exchanges 8 September, 1 October and 16 October 2015.*

It is not the responsibility of the Independent Complaint Review Service to judge or make comment on whether the application should have been successful. The role is only to review whether the Fund correctly followed its own policies and procedures."

3. Approach to the investigation and structure of the report

3.1 This section sets out how I approached the review of the complaint and describes the structure of the report.

Approach

3.2 The review was undertaken in private. I first wrote to Mr Eastoe and then spoke to him to be sure that we had the same understanding of the complaint and Verita's remit. I read documents provided by Mr Eastoe and the Fund and then requested and reviewed some additional material. A summary of the documents read is at appendix A.

3.3 I established a chronology of events and correspondence and then set out to examine the questions below.

- How did the Fund assess Lewisham council's application and what processes did it use to do so?
- Did the Fund apply its policies appropriately to the decision to award funding, in particular with respect to the issues raised by the complainant?
- What procedures and standards does the Fund use to guide the way it responds to complaints about its work?
- Were those procedures used and standards achieved when it responded to the Mr Eastoe?

3.4 Both Mr Eastoe and the Fund had the opportunity to comment on relevant extracts of this report while it was in draft form.

Structure

3.5 The report begins with the executive summary (section 4). Section 5 describes the application, how the Fund responded to it and how it applied its policies and procedures. Section 6 describes how the complaint was dealt with and compares this with the Fund's policies. My findings, conclusions and recommendations are in section 7.

4. Executive summary

4.1 Between January and March 2016 Mr Roger Eastoe corresponded with the Heritage Lottery Fund in relation to a decision that the Fund had made to give a grant to Lewisham council to develop a scheme for the restoration of Beckenham Place Park. The scheme involves the closure of the golf course currently located in the park. Mr Eastoe was concerned that the grant of £270,500 had been made under false pretences. He argued that the information supplied to the Fund by Lewisham council relating to the golf course was inaccurate.

4.2 In preparing this report I have spoken to Mr Eastoe and considered documentation supplied by him. I have also considered documentation provided by the Heritage Lottery Fund. This included the Fund's guidance and the case paper that they produced setting out the details of the scheme for the body taking the decision on funding.

4.3 It is important to stress that this report looks at the actions of the Heritage Lottery Fund with regards to the application it was considering, rather than decisions taken by Lewisham council.

4.4 The Fund's guidance is not explicit about the level of scrutiny that should be applied to information submitted by applicants. The Fund took the view that the decision about closing the golf course is one for the council and not for them to comment on. This approach is reasonable and within the discretion of the Fund. I conclude that the Fund's assessment and decision-making processes were of a suitable standard.

4.5 However, there are places where the approach taken by the Fund fell below the standards set out in their guidance. In particular the guidance says that the case paper should provide a fair and balanced assessment of the scheme and not be an advocate for it. The case paper, in contrast, adopts views directly from the application and uses emotive wording that is not appropriate. While it was clear from the information available that the closure of the golf course was a controversial issue, no attempt was made to present any alternative point of view.

4.6 An area of particular concern to Mr Eastoe was the information provided to the Fund relating to consultation. The information provided was indeed weak and this should have been immediately obvious to the Fund. No attempt was made to reflect this inadequacy in

the case paper, however. It is surprising that the inadequacies of the case paper were not identified in the Fund's quality assurance process.

4.7 Two other areas were raised by Mr Eastoe, the finances of the golf course and whether there was collusion between the Fund and Lewisham council in relation to the application. The case for the application does not rest on the finances of the golf course and it was therefore reasonable for the Fund to rely on the representations of the council in this regard. In relation to the suggestion that the Fund was colluding with the council to close the golf course, I have not seen any evidence to support this suggestion. The interactions between the Fund and the council appear to me to be entirely appropriate.

4.8 Mr Eastoe's complaint followed correspondence between the Fund and a fellow objector to the closure of the golf course. The Fund took some time to decide whether Mr Eastoe's complaint should be treated as an entirely new one and when it should be considered for independent review. The handling of the complaint would have benefited from more clarity on the Fund's behalf about what process it was following and it would have been better if it had been brought into the complaints process sooner. However the Fund ultimately took a common-sense approach which resulted in the delay in dealing with Mr Eastoe's complaint being minimised.

4.9 The Fund was also unclear about how much it should engage with the issues that were being raised with it. Having accepted the complaints however, the Fund should have ensured that it had sufficient resources to respond to the issues raised.

4.10 Despite these failings, I do not consider that they were so serious as to mean that the Fund failed to apply its policies and procedures correctly.

4.11 The report makes the following recommendations:

R1 When reviewing the second round application, the Fund should look critically at the application in general and pay particular attention to any consultation carried out by Lewisham council.

R2 The Fund should review the operation of the quality assurance process for case papers.

R3 When dealing with correspondence about a project, the Fund should have greater clarity on the process it intends to follow and when it intends to deal with it as a complaint.

Once the Fund has accepted an issue as a complaint it should be clear about which issues it will address and which are outside the scope of the complaint.

5. The Heritage Lottery Fund’s approach, policies and procedures

5.1 This section of the report describes the approach that the Fund took to this case and how this compares to its policies and procedures.

Parks for People

5.2 The application from Lewisham council for the development of Beckenham Place Park was for funding under the Parks for People programme. The Parks for People programme² gives grants for between £100,000 and £5m for projects related to the heritage of parks and cemeteries. The programme is jointly funded by Heritage Lottery Fund and Big Lottery Fund. Decisions on funding are taken by the Heritage Lottery Fund Board and Big Lottery Fund England Parks for People Committee: the ‘Joint Parks for People Board’. The guidance says that:

“We fund projects that make a lasting difference to heritage, people and communities in the UK... Our priority for this programme is to conserve the existing heritage of a designated park or cemetery.”

The application process

5.3 There is a two round application process. In the first round an outline proposal is submitted. This includes what the project is likely to involve, an initial breakdown of costs and information about likely outcomes. This is followed by a development phase where a more detailed, second round, application is prepared. The second round application sets out in detail the plans for the project, costs and outcomes. The project under consideration here passed the first round in June 2014. A second round application to the Fund is expected in August 2016. It is important to note that at the first round only development funding is awarded, the full delivery grant is only awarded if a second round application is successful.

5.4 The process begins with the submission of a Project Enquiry Form. This short document gives basic information about the project. The Fund responds to this with initial advice about the Parks for People programme in general and makes comments on the specific proposal. The Fund offers to liaise with the applicant in the development of the project

² “Parks for People - Application Guidance”, Heritage Lottery Fund, December 2013

before the applicant submits the application form. In the form the applicant provides an outline of the proposals and details of the development stage of the project. The applicant may request a grant to support the development phase (a “development grant”), as it did in this case.

5.5 When the Fund receives a first round application it allocates a case officer to provide “*advice, feedback and guidance*”³ to the applicant (in this instance, the case officer was a senior grants officer at the Fund). The case officer prepares a paper for the Joint Parks for People Board which includes a recommendation on whether the project should be funded. The process for the paper is as follows:

- The Head of Region checks the paper and signs it off;
- Senior Operations Management Team and the Strategy and Business Development Programme Staff moderate all papers submitted across the UK to ensure consistency in the assessment of risks and outcomes; and challenge any assessments not fully justified;
- The Regional Committee prioritises the cases for its region and makes a recommendation to the Joint Parks for People Board which then makes the decision;
- The case officer then gives feedback about the decision to the applicant.

5.6 Finally the papers are presented to the Joint Parks for People Board, which is made up of representatives of both the Heritage Lottery Fund and Big Lottery Fund England and makes decisions on funding for the programme. The Joint Parks for People Board can ask questions and seek clarification before making decisions.

The application

5.7 The London Borough of Lewisham submitted a project enquiry form in May 2013. The project title is given as “*Beckenham Place Park Restoration*” and describes it as relating to the restoration of “*a Metropolitan Park which covers 95 hectares in the borough of Lewisham. The aim is to restore and enhance the park, creating new leisure opportunities*”

³ Job description, “Senior Grants Officer”, Heritage Lottery Fund

and increase use by people in south east London.” It says that “the park comprises probably the finest parkland in the borough with rolling hills, ancient woodland and naturalised river, but due to a number of factors is not particularly well used.”

5.8 The Council’s description of the scheme on the project enquiry form goes on to say:

“Currently, use of the park and the setting of the listed buildings is dominated by an 18 hole golf course which has suffered a very significant decline in use over many years. The project aims to rebalance the use of the park...”

5.9 The form says that the project is expected to commence in March 2015 with works taking approximately 12 months.

5.10 The London development manager of the Fund wrote to Lewisham council on 6 June 2013 with initial advice on the programme. The letter was positive in tone and stated, *“it is good to see Lewisham progressing a project that would see the park and buildings restored”*. The letter points out that a first round pass (i.e. award of development funds) does not guarantee funding to deliver the project at round two. The letter identifies several *“key issues”* that it would be useful to get more information on. These included the impact of the contract in place to manage the golf course and whether the council had undertaken further consultation since that carried out in 2008.

5.11 On 4 July 2013 the case officer and the London development manager met with Lewisham council officers. The meeting included a site visit which involved walking across the site (a subsequent visit was held in May 2014 before the Joint Parks for People Board decision on the application). The London development manager for the Fund wrote a further letter to Lewisham council on 9 July 2013 following a tour of the park. This included a list of key issues *“where you need to do further development work before submitting a bid”*. The first item on the list relates to the golf course:

“LB Lewisham will need to propose a preferred solution to the future of the park, including whether there will be a continuation of the golf function within it. Based on our discussion, it would appear that the continued presence of an 18 hole golf course within the park would significantly limit its use for wider community functions and wider audiences, and would likely have a adverse impact (sic) on any Parks for People application to HLF and the Big Lottery Fund. A preferred solution to the golf

issue should be indicated to HLF prior to the submission of a Round 1 Pfp [Parks for People] application”.

5.12 The letter goes on to say that *“for a strong bid to materialise, engaging the friends and the local community more closely with decision making and management of the park will be needed”.*

5.13 Lewisham council submitted their round one application form on 28 February 2014. The project summary in the application includes the following description:

“Beckenham Place Park has undergone a long period of decline. Use is now at a critical low, leaving the park and its Grade II and II listed buildings vulnerable or in critical condition.*

“As a golf-course, the park has little relevance to the local community; its buildings lack function and require significant investment to re-purpose...

“This project will restore the historic parkland, removing the golf course and reinstating the lake, it will also restore buildings at risk...”.

5.14 The application document states that the estate has been managed as a public park since 1927 with *“roughly one third”* of the park containing a public golf course. It makes a number of other references to the golf course, including:

“The golf course which radiates out from the Mansion has inevitably adversely affected the 18th century parkland landscape.

“BPP [Beckenham Place Park] has a very narrow range of visitors, primarily used for golf or for dog walking.

“The removal of the golf course will enable the restoration of the historic landscape through the replacement of fairways, greens, tees and bunkers with a parkland landscape.”

5.15 With regards to possible objections to the scheme the application says:

“Principal objections to the project will stem from golf club members and some dog walkers who view the proposals as detrimental to their current use.”

5.16 The council made a formal decision to close the golf course in February 2016.

Comment

Closure of the golf course was seen by both Lewisham council and the Fund as integral to the scheme from an early stage. It is also clear from Lewisham's application that they were aware that the proposal would therefore be controversial.

5.17 The guidelines for first round funding identify the results of public consultation as an issue to be considered in assessing the application. The application made a number of references to consultation. The application said that the council's decision to progress with the project had been made "*following extensive face-to-face consultation*". This included work with young people, schools and housing associations, current users and environmental organisations. The application went on to say:

"Consultation revealed low awareness of the park and a perception that the park is a private golf course"

"The consultation overwhelmingly concluded in favour of a radical redesign".

5.18 The results of the consultation carried out by the council were summarised in the application. It stated that four options were provided:

- 1) "As is" (i.e. 18 hole golf course)
- 2) "A 9 hole course"
- 3) "A par 3 course with partial landscape restoration"
- 4) "The full heritage restoration" (i.e. no golf).

5.19 The results were described as being:

- "*18 or 9 hole golf*": 28 per cent (all respondents), 19 per cent Lewisham residents only
- "*Partial or full restoration*": 72 per cent (all respondents), 81 per cent Lewisham residents only.

5.20 The application says that these results show "*general support*" for a radical prioritisation of park use.

5.21 With respect to financial matters the application stated:

“The golf course runs at a net loss, and this means that funding is spent on the course which could be used to maintain and protect other parts of the park. Due to the intensive demands of the golf course, staff have limited time to spend in other areas of the park”.

5.22 It continued:

“Declining popularity and high maintenance costs mean that it is not sustainable for the council to continue to operate the park as a golf course, but attracting new users will require considerable investment.

“Lewisham has not generated revenue funding from Beckenham Place Golf Course for some time, and it is no longer felt that a subsidy of this size is appropriate for a facility which serves such a select group”.

Guidance to applicants and the Fund’s staff

5.23 Under the heading *“How we assess applications”*, the published ‘Parks for People - Application Guidance’ states that the factors used in the assessment include:

- *“What is the heritage focus of the park or cemetery project?*
- *What is the need or opportunity that the project is responding to?*
- *Why does the project need to go ahead now and why is Lottery funding required?*
- *What outcomes will the project achieve?*
- *Does your project offer value for money?*
- *Is the project well planned?*
- *Is the project financially realistic?*
- *Will the project outcomes be sustained after the project has ended?”*

5.24 The application guidance gives particular emphasis to the importance of measuring the outcomes of the projects. The guidance describes 10 intended outcomes for the Parks for People programme and says that projects must address all of them.

5.25 The Fund’s internal guidance for staff evaluating first round applications is entitled ‘Parks for People SF4⁴ case paper guidance - first round’. The guidance states:

“Case papers should provide an accurate summary of the application concentrating on the key issues necessary to make a decision at the first round.

“Papers should be business-like in style ... your job is to produce a fair and balanced assessment of the application, based on the information provided and not to be an advocate for the project.

“Decision makers want to read about what you really think about the various aspects of the project. When drafting papers it is therefore important to differentiate between the applicant’s voice and your own judgement”.

5.26 There is no reference in the guidance to the level or type of scrutiny expected for the contents of the application (as opposed to the project to which the application relates). The guidance does not, for example, specify the level of consultation that applicants need to carry out before submitting their application.

Assessment

5.27 The Fund’s assessment of the application was contained in case paper B2014 (6) 33 prepared for the Joint Parks for People Board meeting. The paper describes the project in a series of bullet points, the first of which reads:

“Removal of 18-hole golf course, replacing fairways, greens, tees and bunkers with a parkland landscape”.

5.28 The paper’s section on heritage, states:

“The golf course was established in 1907 when the estate was leased to a boys school. The whole estate has been managed as a public park since 1927, and the golf course became the first municipally owned course in England.”

5.29 Under the heading “Heritage at risk”, the paper states:

⁴ “SF4” relates to the Fund’s Strategic Framework covering the period 2013-18. It is the Fund’s fourth such framework.

“The golf course which radiates out from the Mansion House has adversely affected the 18th Century landscape with inappropriate removal of trees and planting”.

5.30 Turning to the “Case for Investment”, the paper says:

“This is a timely and clear opportunity for local residents to reclaim this park after years of neglect and under-use as a golf course”.

It continues:

“The golf course runs at a net loss and has declining popularity together with high maintenance costs. Its future is not sustainable but attracting new users requires considerable investment.”

5.31 The paper includes a risk assessment which states:

“Consultation has been carefully planned due to the sensitivities around a small but strong-voiced golfing community. 4 different options for the park were presented: keeping it as it is, a 9-hole course, a par 3 course with partial landscape restoration, and full historic restoration. Consultation overwhelmingly concluded in favour of a radical redesign.

“There was notable support to retain some element of golf but this will be explored in the development phase as it would need to be self-funding and not compromise the overall vision. Lewisham is expecting further objections from golfers and dog-walkers and will develop an appropriate strategy to listen and respond.”

5.32 The officer’s recommendation stated:

“Beckenham Place Park is an 18th-century designed landscape with significant potential. Located in a densely populated area, it has become irrelevant to local people who feel excluded from the park’s dominating 18-hole golf course. Lewisham will take the bold step of removing the golf course, introducing a historical redesign and a comprehensive activity programme to reconnect the park to the local community. The badly deteriorating Homesteads (grade II and At Risk) will be transformed with a range of new visitor facilities. The project will be delivered as part of a strong partnership. It is a High Priority for BIG.”

Decision-making

5.33 The application was discussed at the Heritage Lottery Fund Committee for London on 11 June 2014, which was also attended by a representative from Big Lottery Fund. The Committee for London is made up of a range of professional experts from across London. It comments on applications and priorities for funding. The funding decision was taken at the meeting of the Joint Parks for People Board on 24 June 2014.

5.34 The proposal was welcomed at the Committee for London meeting which stated that it *“had potential to address evident heritage need, attract new audiences and benefit deprived communities in the locality.”* The Committee for London recommended the project as a high priority for London.

5.35 The Joint Parks for People Board had a total budget of £15m available at the meeting. They considered a total of 16 applications for funding, of which 12 were approved. They made the decision to give the proposal a ‘first found pass’ of £4,908,400 including a development grant of £270,500 split two thirds from the Heritage Lottery Fund and one third from Big Lottery Fund. The minutes record that:

“The HLF Board and BIG England Parks for People Committee [ie the Joint Parks for People Board] considered that the applicant’s bold decision to remove the golf course in order to attract new audiences had real potential to deliver benefits to a densely populated area as the park was the only green space in the locality... for second round application, a robust audience development plan would be required...”

5.36 The Fund’s subsequent letter to Lewisham council (25 June 2014) emphasised that *“a first round pass does not guarantee that you will receive a grant”* and that the second round application would be in competition for funding. Information on developing the second round application was provided, with a deadline of 24 June 2016 (the second round application is now expected to be submitted in August 2016).

Issues raised by Mr Eastoe

5.37 The substantive issues raised by Mr Eastoe are discussed here. The procedural issues relating to his complaint are discussed in the next section.

5.38 Mr Eastoe complained that the information supplied by the council is inaccurate and misleading and that the Fund should have examined it in more detail. He comments that “*we had hoped the HLF officers would have been equally concerned to discover that the facts have been misrepresented and would have wanted to check their validity*”. He is concerned that the Fund is accepting inaccurate information without having checked it.

5.39 The case paper considered by the Joint Parks for People Board refers to the closure of the golf course as a “*bold*” decision. Mr Eastoe argues that, as such it represents a major change which it is incumbent on the Fund to give particularly close scrutiny to. Specific areas of concern for Mr Eastoe were the consultation carried out by the council and the finances and usage of the golf course.

Consultation

5.40 The information supplied by the council with regards to consultation is described above. Mr Eastoe says that the conclusions drawn by Lewisham officers from the consultation process do not reflect the facts and have been distorted to produce a favourable result for the application.

5.41 Regarding the numbers quoted, Mr Eastoe says that the full results for the four options are as follows:

- 1) "As is" (i.e. 18 hole golf course) - 23 per cent
- 2) "A 9 hole course" - 5 per cent
- 3) "A par 3 course with partial landscape restoration" - 37 per cent
- 4) "The full heritage restoration" (no golf) - 35 per cent

5.42 Mr Eastoe says that only 175 questionnaires were returned and he questions the methodology. He says that the results do not show a public mandate for closing the golf course and that the Fund should have scrutinised them, rather than accepting them at face value.

5.43 Mr Eastoe is also concerned that Lewisham council will not undertake adequate consultation as it develops the application.

5.44 Mrs Souter responded to Mr Eastoe in a letter on behalf of the Fund (3 February 2016). The letter said that when drafting papers, officers use information in the application form as well as information submitted by the applicant. On the issue of consultation, she said:

"We have noted your comments on consultation. Although we expect consultation to take place in relation to HLF-funded proposals... there are some aspects that are outside our influence. For example, we understand that Lewisham are to make a decision on the future of the golf course based on economic and other factors, and this is not something HLF is involved with."

5.45 Mr Eastoe says that although the Fund makes reference to further consultation on the application, Lewisham council confirmed to him that there will be no more consultation in respect of the golf course. He argues that this contradicts the decision of the Joint Parks for People Board.

5.46 Mr Eastoe provided us with the results of a survey carried out by the Friends of Beckenham Place Park in August 2015 which was published in February 2016. That showed different results from that carried out by the council, including greater opposition to the closure of the golf course (this was published after the Joint Parks for People Board meeting and so was not available for consideration by them).

Finances of the golf course

5.47 As noted above, the case paper made a number of assertions about the finances of the golf course: that it runs at a net loss, has declining popularity, has high maintenance costs and that its future is not sustainable.

5.48 These assertions are rejected by Mr Eastoe who gave evidence to the Fund disputing the information Lewisham council had provided. Mr Eastoe calculates that the golf course makes a net profit, rather than a loss and says that usage of the golf course rose from 16,483 rounds in 2012/13 to 18,923 in 2013/14. In a letter to the Fund (23 January 2016) he asks: *“On the basis the golf course does not run at a net loss and in the last year showed a 15 per cent increase in golf rounds how can the HLF agree with Lewisham officers in planning to close the course?”*. Mr Eastoe notes that the Fund has stated that *“analysis of how well amenities are used”* is part of their decision-making process. He therefore argues that this issue is material to the decision taken by the Fund and should be considered by the Fund directly, rather than relying on information from the applicant.

5.49 Mr Eastoe also feels that there are contradictions in the approach the Fund have taken on this matter. He quotes from a letter to him from the case officer to Mrs Hope (4 June 2015) which says:

“Our Parks for people programme is intended to revitalise parks and this always involves analysis of how well amenities are used to take decisions about the future.”

He contrasts this with the contents of Mrs Souter’s letter to him from 3 February 2016:

“Your letter includes financial information regarding the current operation of the golf course. HLF does not request this kind of detailed financial information, which is a matter for Lewisham to manage. HLF is not involved in decision-making on the future of the golf course.”

5.50 He comments that he believes that the Fund should have substantiated the main statements on which the decision about the application was made.

5.51 In a further letter (5 February 2016) Mr Eastoe argues that it is incumbent on the Fund to reconsider the award on the basis of the information he has provided. Mrs Souter responded (11 February 2016) saying that *“when the Second Round application is submitted we will decide which areas of the bid may need further scrutiny but our starting point is always to use the information that applicants provide in their application documentation in line with HLF guidance.”*

Relationship between the Fund and Lewisham council

5.52 A further, overarching, area of concern for Mr Eastoe is the question of the relationship between the Fund and the council. He suggests that the organisations are colluding to see the application progress and the golf course close, or that one party is exercising inappropriate influence over the other.

5.53 One area of concern is the following statement in Mrs Souter’s letter to Mr Eastoe (3 February 2016) where she says:

“If Lewisham decide to retain the golf course then this will be seen as a significant change to the approved purposes that the First Round pass was awarded to achieve. This would be discussed with Lewisham, but would probably mean the withdrawal of the current application and submission of a new application which would be considered on its merits in competition with other applications”.

5.54 This, together with the issues highlighted in the case paper above, has been interpreted as the Fund putting pressure on the council to close the golf course.

5.55 The reference in correspondence from a Lewisham councillor to the proposal being developed *“in consultation”* with the Fund is quoted as evidence of this. Mrs Hope has said that *“I do not see how... there can be any conclusion other than collusion between HLF and Lewisham council to effect closure of the golf course”.*

Issues raised by Mrs Hope

5.56 Mr Eastoe asked us to review the email correspondence between the Fund and Mrs Hope, with particular reference to exchanges on 8 September, 1 October and 16 October 2015. In these emails Mrs Hope raises a number of the issues subsequently addressed by Mr Eastoe, together with a number of detailed comments about the scheme. In particular she questions the wording of the case paper and the reference to the use of the phrase "Bold decision" with regards to the removal of the golf course.

5.57 In her email of 1 October 2015 Mrs Hope expresses concern that the Fund "*accepts without question*" statements in Lewisham council's application which she believes to be sweeping, inaccurate and containing value judgements. She says:

"What is also clearly evident is that HLF have either allowed itself, unwittingly, to be sucked into Lewisham council's desire to get rid of the golf course no matter what, or are knowingly complicit in the plan, and this aspiration is what dominates the total scheme for the park."

5.58 The email of 16 October from the Fund to Mrs Hope relates to the complaints process. It is therefore discussed in the next section.

6. Did the Fund correctly handle the issues raised with them?

6.1 This section relates to the way that the Fund handled the complaint made by Mr Eastoe.

Heritage Lottery Fund's complaints process

6.2 The Fund's complaints process is set out in a document entitled "Making a complaint". It outlines a three stage process. At stage one the complaint is dealt with by the member of staff who is dealing with the application. If the complainant is not satisfied with the response that they received they can ask the chief executive for a response. A reply is promised in 10 working days - this constitutes stage two. The third stage of the process is when the complainant is not happy with the chief executive's reply. The complaint is then referred to the Independent Complaints Review Service.

6.3 The Fund's guidance is mainly directed towards complaints from those who have made applications for funding, although it does not exclude the possibility of third party complaints. It describes "maladministration" as a legitimate ground for complaint.

Process followed

6.4 Following the Fund's decision on the application, Mrs Hope corresponded by email with the case officer for the project. The correspondence included both general enquiries and Freedom of Information requests. On 26 November 2015 Mrs Hope raised a formal complaint with the Fund. The Fund's chief executive Mrs Souter gave a response to the complaint on 18 December 2015 on behalf of the Fund. The letter acknowledged Mrs Hope's letter as a stage two complaint and responded to the issues raised.

6.5 Mrs Hope replied to this letter on 6 January 2016. She said that she accepted the explanation that Lewisham council's application was treated in line with the 'Parks for People' programme but contended that an extra level of scrutiny should have been applied to such a major decision. Although expressing the view that the first round pass had been obtained "*under false pretences*" she said that she did not propose to progress her complaint to Stage 3.

6.6 Mr Eastoe initially wrote to the Fund on 1 December 2015 asking for a copy of the council's application and subsequently for a copy of the case paper. That was supplied to him on 6 January 2016. Mr Eastoe wrote to Mrs Souter on 23 January 2016 saying that he shared a number of the concerns raised by Mrs Hope and setting out further evidence relating to these issues. Mrs Souter replied on 3 February 2016. Mr Eastoe wrote again on 5 February 2016 and Mrs Souter responded on 11 February.

6.7 Mr Eastoe wrote to make a formal complaint on 29 February 2016 with the hope of having it reviewed as a stage 3 complaint by the Independent Complaints Review Service. He was initially advised that he needed to write to make a formal complaint before his complaint was eligible for the independent review process, He did so on 8 March 2016. However on 30 March the deputy director of operations at the Fund wrote to Mr Eastoe to advise him that they had concluded that "*although we have not formally set out a stage one and stage two process, our correspondence with you including that from the chief executive Carole Souter has been the equivalent of a stage two process*" and that the issue should proceed to the

independent review stage. The following day she added “*I appreciate that this time lag is annoying, and please accept my apologies*”.

6.8 Mr Eastoe contacted the Independent Complaints Review Service on 8 April 2016.

Were the issues addressed appropriately?

6.9 Both the correspondence from Mrs Hope and Mr Eastoe express their concerns with the Fund about the level of detail with which the Fund have responded to queries. For example Mr Eastoe says in a letter (8 April 2016):

“Since we started our correspondence with HLF officers in January, no-one has been willing to answer in full the genuine questions and concerns we have raised about how with ‘false presences’ Lewisham council gained the Round One pass and that, having drawn this to the attention of HLF, we have subsequently been fobbed off”.

6.10 In her email of 16 October 2015 to Mrs Hope, the case officer says that the Fund has noted the comments that she has made in her previous emails (29 September, 1 October, 7 October, 9 October) but that:

“Much of the information you refer to in your queries was obtained from Lewisham’s application form. When we assess applications, we use the answers in the application form along with the information submitted by the applicant in line with our guidance for a first-round application.

“Some of your emails contain a significant amount of information and questions; I’m sorry but we do not have the resources to respond to each point and it is very unusual for us to engage in discussions with members of the public in this way. However, we are aware of many of the issues you raise and we continue to discuss them in our regular progress meetings with Lewisham.

“From now on we will be happy to acknowledge your emails but will be unable to respond in detail. This will help us focus our limited resources on monitoring the development of the project, including the upcoming consultation programme, alongside the many other projects we are involved with.”

6.11 In a letter to Mrs Hope (18 December 2016) Mrs Souter commented:

“As stated in our application guidance, applicants are invited to apply at Round One at an early stage of planning. We accept that this brings with it a degree of risk as we do not expect the applicant to have carried out detailed consultation or planning at this stage. The development phase is the key period in which the applicant works up the plans in more detail.

“Our assessment of Round One applications reflects this. We only ask for information in outline and the assessment by the officers is then primarily desk based. In making our assessment we use the answers in the application form along with information submitted by the applicant in line with our published guidance.”

6.12 As noted above, the internal ‘SF4 case paper guidance’ says that case papers should be *“based on the information provided”*.

7. Findings, conclusions and recommendations

Assessment and decision-making

7.1 The assessment process is set out in the internal and external guidance that I have seen. The process includes mechanisms for peer and senior review of assessments. The internal and published guidance is not explicit on the issue of depth of scrutiny that the Fund should apply to information supplied by applicants. At the development stage (which is relevant in this case) the criteria for making awards refer to the outcomes of the schemes rather than the processes to be followed by the applicant.

7.2 Decisions about the content of the proposal rest with the applicant. In this case the Fund took that to mean that the decision about closing the golf course is one for Lewisham council and was not for the Fund the comment on.

7.3 This approach appears reasonable to me and within the discretion of the Fund. I therefore find that the assessment and decision-making processes were of a suitable standard.

7.4 Having reviewed the case paper, however, there are places in which the approach taken falls below the standards set out in the guidance.

7.5 The internal guidance says that the case paper should produce a fair and balance assessment and should not be an advocate for the project. It goes on to say that it is important for the case officer to differentiate between the applicant's voice and their own judgement. However, there are a number of places where the case paper directly adopts judgements from the application as the Fund's view. For example, the statement that "*the golf course which radiates out from the Mansion House has adversely affected the 18th Century landscape*" has been copied from the application, but is not attributed to it. Similarly while the application states that the park is not relevant to local people, the case paper says that it has become "*irrelevant*" without saying that this view is taken from the application.

7.6 The officer's recommendation also includes a number of subjective statements, which are not justified by the available evidence. For example the recommendation says that local people "*feel excluded*" from the "*dominating*" golf course. It refers to the desire to "*reclaim*" the park and to the "*bold*" step of removing the golf course. I do not believe that

this sort of emotive language is appropriate in this context. I have reviewed two other case papers from the June 2014 meeting and they do not include this sort of language.

7.7 It is clear from the application that the proposal to close the golf course was an integral part of the project. The application also made clear that the closure of the golf course was a controversial issue and that objections to it would come from golf club members. However, the case paper does not give any weight to this alternative point of view. In the 'Case for investment' section, the case officer states that the project is a "*timely and clear opportunity for local residents to reclaim this park after years of neglect and under-use as a golf course*", but does not mention that current users are likely to take a different point of view.

7.8 The Fund has described to us its quality assurance process for case papers and it is surprising that this process did not identify these weaknesses.

Consultation

7.9 Consultation was an area of particular concern for Mr Eastoe, who argued that the case made in the application was weak in this respect.

7.10 The case paper states that the consultation was "*carefully planned*" and "*overwhelmingly*" supported the scheme. The information provided in the application is, however, weak and does not justify this wording. The application says that four options were presented for consultation, but it does not state how many people supported each of the options. The results quoted are combined into two groups, obscuring the full picture. It appears that the data was presented in this way to make the results look more positive for the project. This should have been immediately obvious to anyone reading the application and should have put the case officer on guard and encouraged them to look more closely at the data. While consultation does not form one of the assessment criteria, the Fund wants to be sure that the applicant engages with the public and users of the proposed scheme and so it is appropriate to ensure that this issue is considered properly.

Finances

7.11 The other area which Mr Eastoe drew to our attention to was that of the finances of the golf club. The council's application says that the course loses money and that usage is declining. Mr Eastoe disputes this, saying that the finances are healthy and usage growing.

7.12 While the finances of the golf course may have been an issue in the council's decision whether or not to close it, this appears to me to be a tangential issue to the application for funding and played little or no part in the decision to award the grant. The case for the proposed scheme does not rest on the profitability or otherwise of the course, or on whether use of the golf course is going up or down. Taking a view on this is not material to the Fund's processes, therefore. It was not unreasonable, for the Fund to rely on the representations of the council, although it would have been better if the case paper made clear that the figures quoted were the council's view.

Handling of complaints

7.13 The genesis of this complaint was complex, as the issues Mr Eastoe has raised were built on those that had previously been raised by Mrs Hope. Mrs Hope had chosen not to proceed with her complaint, but the correspondence was conducted to some extent as if Mrs Hope's complaint was continuing.

7.14 When Mr Eastoe wrote to the chief executive of the Fund, rather than responding immediately the Fund should have paused and considered what would be the most effective way of dealing with this issue. It should then have discussed its proposed approach with Mr Eastoe.

7.15 The Fund has acknowledged that this process could have been handled better and have themselves identified it as a learning point.

7.16 When Mr Eastoe sought an independent review of the complaint the Fund took some time to come to a final view as to whether it should progress to that stage. The Fund ultimately took the correct decision to regard the correspondence as having covered both stages 1 and 2 of the complaints process so that it could proceed. Thus, although there was a delay in Mr Eastoe's complaint being referred to the independent process, the delay was minimised.

7.17 None of processes followed fitted well with the Fund's published approach to complaints handling. It would have been helpful for the Fund to be clear about what constitutes a complaint and when an issue is being treated as such.

7.18 The Fund also appeared to be unclear as to how much it wanted to engage in responding to the issues raised by the complainant. In particular, having accepted Mrs Hope's complaint the Fund subsequently made clear that it did not have the resources to deal with the issues she raised. This appears to be in part because the Fund was unsure which of the issues it should respond to and which should have been directed to Lewisham council. Having accepted the complaints, it should have ensured that there was sufficient time to answer the issues raised.

Collusion

7.19 A further issue for Mr Eastoe, arising from the correspondence that Mrs Hope had with the Fund, was whether the Fund was colluding with the council to close the golf course.

7.20 I have seen evidence that the Fund worked with the council to develop the project, through both correspondence and site visits. It is clearly in the public interest for projects that the Fund supports to be of as high quality and well developed as possible and therefore for the Fund to engage with applicants in this way. I see nothing unusual in the level of contact between the Fund and the applicant or in the level of support that the Fund has given to this particular project.

7.21 The council's application clearly set out its concern that the golf course was not compatible with their plans for the park. While the Fund engaged with the proposed scheme on this basis, they made clear that a decision on the future of the golf course was entirely a decision for the council. This was the right approach to take.

7.22 Particular emphasis has been placed by Mr Eastoe on the statement from the Fund that, if the golf course were to be retained, this would represent a significant change to the project which could lead to it not being funded. However, it was clear from the Project Enquiry Form as early as in May 2013 that the removal of the golf course was integral to the project and that the course represents a significant proportion of the area of the park. It is,

therefore, unsurprising that the Fund takes the view that if this aspect were to change it would represent a significant alteration to the project.

Conclusion

7.23 The case paper fell below the standard that might be expected for such a document. It failed to reflect or give sufficient weight to any alternative point of view, and was not sufficiently objective. No attempt was made to distinguish between the applicant's point of view and that of the Fund. It should have been immediately clear that the information provided relating to consultation was weak and this should have been reflected in the paper.

7.24 The handling of the complaint would have benefited from more clarity on the Fund's behalf about what process it was following. It would have been helpful to bring the correspondence into the complaints process sooner by making it clear that it was being treated as part of the complaints process and where it was in that process. Once a decision had been taken to take on the complaint, sufficient resources should have been allocated to dealing with it.

7.25 Despite these failings, we do not consider that they were so serious as to mean that the Fund failed to apply its policies and procedures correctly.

Recommendations

R1 When reviewing the second round application, the Fund should look critically at the application in general and pay particular attention to any consultation carried out by Lewisham council.

R2 The Fund should review the operation of the quality assurance process for case papers.

R3 When dealing with correspondence about a project, the Fund should have greater clarity on the process it intends to follow and when it intends to deal with it as a complaint. Once the Fund has accepted an issue as a complaint it should be clear about which issues it will address and which are outside the scope of the complaint.

Documents considered during the review

Guidance associated with the Parks for People programme including:

- Parks for People: Grants from £100,000 to £5million to revitalise historic public parks and cemeteries - Guidance documents and Application Form - December 2013
- Parks for People SF4 case paper guidance - first round
- Making a complaint - August 2012
- Raising a concern

Papers associated with Lewisham council's application including:

- Project Enquiry Form: Beckenham Place Park restoration - 24 May 2013
- Pre application correspondence from HLF to Lewisham council - 9 June 2013 and 13 July 2013
- Round 1 Application covering letter and statement of partnership intent - February 2014
- Round 1 Application Form: Beckenham Place Park restoration - February 2014
- Consultants Brief for the development phase of the Heritage Lottery Fund Parks for People Application for Beckenham Place Park - February 2014
- Site maps and plans
- Project manager job description

Papers associated with the assessment of applications and the work of the decision-making committee including

- Correspondence between Grants Officer and Lewisham council
- Parks for People Case Paper
- Board overview paper - June 2014
- Board meeting minutes - 11 June 2014 and 24 June 2014
- Schedule of decisions - 24 June 2014
- Notification letter of phase one decision - 24 June 2014

Papers associated with the Mr Eastoe's requests for information and subsequent complaint, including:

- Stage three complaint letter to ICRS - 8 April 2016
- Correspondence between Mr Eastoe, HLF and Lewisham council
- Correspondence between Mrs Hope, HLF and Lewisham council
- A Rebuttal paper from 'Save the Beckenham 18' to the Offices 'Future of Beckenham Place Park' report produced for the Mayor and Cabinet meeting on 17th February 2016
- Heritage Lottery Bid, Beckenham Place Park. Consultation Timeline - 18 February 2016
- Park User Survey: Beckenham Place Park - February 2016