

Minutes of AGM held at St. Mary le Bolton at 7.30pm on December 16th 2013

Copies of the 2012 minutes, Accounts for year ending December 31st 2013 and the amended Garden Bye Laws were handed out to those present for their inspection (approval to be sought at end of the meeting).

Some time was given for residents to read & study these before the Chairman proceeded with business.

Thomas Schneider, Chairman, welcomed the attending residents and set out the Agenda for the meeting.

1. Treasurer Lauriane Bradford presented the 2013 Accounts. She explained & itemised the year's spending and the state of the budget to date.

Ms. Bradford reported that the new Wildlife Garden was financed solely by fees received from Monkey Kingdom Productions for the occasional location-filming of TV's "Made in Chelsea" and did not therefore come out of 2013's garden precept.

2. Garden Manager Lindsay Hampson presented the Garden Report, setting out changes, improvements made & problems encountered during the previous year.

Amongst the latter was the recent difficulty in encouraging residents with children to comply with the Bye Laws. This included continual playing of ball games (in spite of polite warnings), flower beds being trampled & trees swung on by children, and the general noise level experienced during busy summer months, with resulting complaints from other residents, who found it impossible to relax quietly in the garden.

Ms. Hampson reported an incident of vandalism to the garden gate and drug-taking/noisy late night gatherings in the new gazebo. Both of these necessitated visits from the local police, who advised the Committee to install lighting & a CCTV camera near the entrance.

LH referred to ongoing legal issues with owners of some of the Collingham Road houses, which the Hon. Sec. Ms Simpson-Gray would be reported on in detail later in the meeting.

The occasional non-functioning of the gate-closing mechanism was touched on and it has been advised that this is mainly due to changes in temperature, resulting in expansion of the railings. It has been agreed that this will continue to be an annoyance until the funds are in place to restore the leaning railings to their correct position.

3. Robert Player (Garden Associates) summarized the progress, horticultural and otherwise, which has been undertaken during 2013.

He took questions from residents on the subject of the extent of tree works the Council will consent to. Some Residents complained of the height and spread of the Plane trees – with consequent loss of light - and requested a substantial cut back. Robert explained that he can only comply with the Council's consent on this and that there is already in place a schedule of tree works, agreed by the Council Tree Department, which will be carried out in 2014. However, it will probably not be to the extent requested by some residents.

Robert then set out the proposed programme of planting/changes/improvements for the year 2014. These include the above tree work, extensive enrichment of soil, new cover for the sand pit and replacement of sand; the proposed planting of 3 new silver birches and the installation of a line of 'step-over' apple trees to edge the orchard area.

There were several interjections by a resident of No. 12A Courtfield Gardens, Mr. Alexei Kroujiline, asking if he could bring up the subject of a children's play area (swings, slide etc). The Chairman, asked him to wait, until the reports were given, to have the subject discussed.

4. The Hon. Sec. Lynda Simpson-Gray gave a progress report on the ongoing Legal dispute with the owner of No. 25 Collingham Road, which is presently in the hands of the Legal Department of RBK&C and the Garden's solicitor, Mr. Robert Barham. She reported that the Council has finally agreed, in principal, that the said development contravenes the 1931 Act. They confirmed that they will be seeking Court proceedings against the owner but it may take some time.

She explained that this has been a lengthy and complicated negotiation and has taken up much of her (and the Committee's) time and that of our legal advisor, Robert Barham and will have involved substantial legal costs, for which we hope to be recompensed in the event of a Court decision in our (& the Council's) favour.

5. The Chairman then proceeded to the business of the resignation and re-election of the sitting Committee. There was a brief interruption from Mr. Kroujiline, requesting a discussion of the 'Play Area' before the re-election of the Committee. The Chairman assured him that there would be time at the end of the meeting to debate this issue. Mr. Kroujiline explained that his vote would depend on the stated position (of his proposal) of each Committee Member and therefore he would like the discussion to take place before the vote.

A lengthy debate ensued.

Mr. Kroujiline stated that there was little for the children to do in the garden. The sandpit is small and boring and they should have a dedicated play area with swings, slide & climbing frame. He expressed his view that the Committee spent much on plants, the wildlife area and new Gazebo and the children with residents should also gain from the Precept.

The Chairman stated the Committee's position on the installation of play equipment: they oppose its inclusion because the garden is not large; in legal docs is described as an 'ornamental' garden for peace & relaxation' and, historically, has never included a playground within its boundaries.

He explained that many previous Committees had considered this issue and residents present had consistently voted against the proposal at AGM's.

Amongst the many objections was the problem of legal liability (of Trustees & Sub-committee); the insurance implications; the maintenance of the equipment as well as the initial cost of installation.

The Chairman stated that neither he nor the other members of the Committee or the members of The Board of Trustees were prepared to take on legal liability in the event of any injury to residents' children incurred whilst playing on the above.

Ted Mariner contributed to the debate with similar points and pointed out that Courtfield Gardens West is an ornamental flower garden, as described in the 1851 Act and not an adventure playground.

Robert Player, our gardening contractor, commented on the problems some of his other gardens have experienced with these installations. He pointed out that in Communal Gardens the Council insists on suitable 'commercial standard' slides, swings & climbing frames being installed (and regularly inspected), costing several thousand of pounds to buy and install and maintain.

Mr. Kroujiline put forward further arguments in favour of installing the equipment (as did one other resident present). He stated his objection to the Committee's stated opposition to the proposal. The Chairman then invited Mr. Kroujiline to put himself forward for election to the Committee, in view of his strong feelings on the subject. Mr. Kroujiline agreed to this and was duly proposed by another resident.

Sitting Committee members then resigned. Those wishing to be re-elected were proposed.

Mr. Schneider resigned as Chairman but wished to remain on the Committee.

Some discussion took place and Mr. Mariner was proposed as the new Chairman. Votes were taken and he was elected.

The remaining Committee Members were then re-elected in their previous positions. As was Mr. Kroujiline, as a new member.

(Ms. Simpson-Gray, Ms. Bradford and Ms. Hampson abstained from the above voting re Mr. Kroujiline)

N.B: Following the election of the Sub-Committee, Ms Hampson asked to expand on her non-vote for Mr. Kroujiline. She explained that as Mr. Kroujiline had been the resident most often reminded not to play with a football-sized soft ball with his & other children, she did not feel she could vote on to the Committee someone who regularly ignored the legal Bye Laws. She also mentioned that it was reported that he had been hostile and impolite to a Committee member who had politely pointed out the Rules of the garden to him.

Mr. Kroujiline suggested to Ms Hampson that it would be wiser for her not to mention the incident involving the aforementioned Committee member again. The Committee did not take the discussion any further.

The meeting ended with the Chairman inviting attendees to vote on the Treasurer's Report, the Minutes of the 2012 AGM and the amended Bye Laws. These were duly passed by a show of hands. The meeting ended at 10.15pm.

