

## **KEMP TOWN ENCLOSURES LIMITED**

**Minutes of Eighteenth Annual General Meeting of the Company held at the  
Brighton Steiner School, Roedean Road, Brighton  
Saturday November 24 2012 at 10.30 am**

### **PRESENT :**

Attendance list held at offices of Jonathan Rolls, 244 Eastern Road, Brighton, BN2 5TA

### **APOLOGIES FOR ABSENCE**

The Chairman, Mark Harper, opened the meeting at approximately 10.40 am. There were two apologies for absence, Michael Osborne (22 Sussex Square) and Peter Weston (12/13 Arundel Terrace)

23 Freeholders were represented on behalf of the Freeholders  
4 Proxy Forms were received in favour of the Chairman and/or Secretary

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### **1. CHAIRMAN'S REPORT**

Mark Harper (MH) gave his report saying that this was the third year that he had been Chairman of Kemp Town Enclosures Limited. There had been two main projects this year resulting, initially, from damage to the trees on the east side of Lewes Crescent. Consultation with the Council's Tree Officer and agreement that all trees in the vicinity should be felled and, as a result, the Jubilee Garden project was established which had been well received from everybody and Jeremy Mouldsdale, the gardener, was to be congratulated in the way this project had advanced and been completed. A number of donations had been received from flat owners/freeholders towards the project.

The second main project for the year was the on-going work towards the reinstating the brick/stone work plinth and cast iron railings along the southern road boundary of the gardens. In conjunction with KTS the land had been transferred back to Kemp Town Enclosures Limited from the Council. Building Surveyors Frankham Consultancy Group Limited had been appointed and estimates obtained for progressing the work. Brian Horton would report on the current position later in the meeting. MH wished to pay special appreciation to David Morris for his generous donation of £100,000 to enable this project to become possible.

MH commented that the Council had originally compulsorily acquired the land in 1952 and it was very good news that we had been able to have the land transferred back to Kemp Town Enclosures at nominal cost but there was a commitment to reinstate the railings and brick/stone plinths to original features. Planning consent had been obtained during the course of the year with the

Assistance of James Rule who works for Frankham but lives in Lewes Crescent.

MH commented that his report was also in writing and had been attached to the AGM circulated paperwork.

## **2. GARDENER'S REPORT**

Jeremy Mouldsdales (JM) gave his annual report and, again, his written report was attached to AGM paperwork. He briefly mentioned the Jubilee Garden project and his appreciation of help from the weekly volunteers (The Voles). He spoke of his wish to rejuvenate the Secret Garden. JM advised of smaller projects of generally improving the existing borders and the need to control the hedges so that they did not become too large and enable the railings to be reached for painting. JM stated that it had been a difficult year weather-wise and there was some catching up to do next year as a result. JM advised that, fortunately, there were no Ash trees in the garden. The last one having been removed about a year ago but he was concerned that there might be some disease to other trees particularly in the north garden.

There was discussion on some of the detail of the garden and Gina Bryson proposed a vote of thanks to Jeremy, the helpers and the contractors. She stated that when she first came to the area the gardens looked reasonable to good but they now had a special feeling to them particularly in relation to upkeep, colour and design. This was echoed by everyone at the meeting.

## **3. FINANCIAL REPORT**

Steve Harwood, (SH) the Treasurer, took the room through the trading and profit and loss accounts for the year ended March 31 2012 and the balance sheet for the year. Again the paperwork was attached to the AGM circulation. SH also said that a full set of accounts were available for inspection by any Freeholder if they had specific queries. He referred to the detail of the income of £75,631. Expenses at £73,424 and in particular the increased cost of garden repairs and clearance at £23,870 which included the cost of redecoration and works to railings. He explained that, for the future, we hoped to set approximately £6,000 a year aside for railing work. There were also higher legal fees this year because of the costs involved in acquiring the strip of land from the Council and other legal work in connection with this matter. There had also been additional costs in respect of some disability work for flat owners in the area which was a recognised benefit. The result was an overspend of approximately, £11,400 but nevertheless our reserves still remain healthy at £129,171.

A number of questions were raised, particularly, from Mark Eynon who questioned the cost of lost keys at £150. Questions were asked when the locks were last changed. A proposal was put forward that a surcharge would be appropriate to cover the cost of changing the locks which would, in part, reduce the money received for lost keys but would prohibit illegal users getting into the gardens. It was unanimously agreed that the Board of Management should

change the locks in 2013 - a surcharge of £50/£60 would be raised against each Freeholder.

SH expressed his wish to retire as Treasurer and MH asked if anybody was interested in joining the Board of Management either as a general Board Member or, specifically, in relation to accounts. The practice was to co-opt in the first instance prior to being appointed a full Board Member which was an AGM requirement. SH said that he would continue but hoped that he would be able to retire in Spring 2013.

Norman Wallace Metcalfe proposed that the accounts be adopted. This was seconded by Gina Bryson.

**6. ELECTION OF DIRECTORS**

MH advised that the election of Directors at the AGM in accordance with the Articles of Association required that he and BH retire by rotation. Both were unanimously re-elected by a show of hands.

**7. APPOINTMENT OF ACCOUNTANTS/AUDITORS**

The appointment of the accountants/auditors was required. Peter Chambers of Chambers and Company was unanimously re-elected by a show of hands.

**8. Garden Rate**

MH stated that the AGM Notice proposed that the garden rate be increased to £720 for Freeholders and £240 for outsiders. He explained that the number of outsiders had reduced over time. The practice was that no new outsiders were allowed and only those eligible freeholders under the Articles of Association were able to vote and secondly were subscribers. Outsiders many years ago had been allowed but this had presented difficulties and as existing outsiders left the area or died no new subscribers were admitted.

MH said that he felt £720 was a minimum and really felt, having reviewed recent budgets and a number of unexpected costs that £725 was more appropriate. A lengthy discussion took place and it was agreed that the garden rate should, in fact, be increased to £725 for each freehold house with effect from April 1 2013. This was unanimously agreed by a show of hands. It was, again, agreed that the key change should take place 2013 by way of an additional surcharge of £50/£60 per house to cover these costs.

**9. SOUTHERN RAILINGS REPORT**

BH gave the southern railings report. He advised that estimates had been obtained from a number of contractors based on the specification/tender documents drawn up by Frankhams. The lowest quoted had come in at £290,000 in additional VAT had to be paid. Unfortunately VAT could not be

avoided as the Council had granted Planning permission not Listed Building Consent and because of the rules there was no way of avoiding VAT on top of the quoted cost. This meant that with the generous support and contribution of David Morris's £100,000 and the initial contribution of £60,000 from Kemp Town Enclosures that this was not sustainable. The way forward that BH proposed

which met with the wishes of David Morris was that we should ask Frankhams to review the estimates/costings obtained and deal with the project as a Phase I/Phase II approach. Phase I to be to rebuild the old brick and stone work along the perimeter and later as Phase II the iron work to be placed on top. There were discussions about a levy against each freehold house but the cost was such that this was considered prohibitive. At the time we could afford to do the ground work but not the railings. It was unanimously agreed by the room that we should proceed with this approach and ask Frankhams to review costings and, hopefully, we would then be able to appoint contractors early in the New Year to do the brick and stone work in line with the Planning permission. Phase II would then be reviewed in respect of funding and alternate quotations for the railing work. It is probably that the stone work would be reconstituted stone rather than original stone but, again, this would be further investigated.

The result was that the Board of Management had the 'green light' to deal with the project in two phases.

#### 10. ANY OTHER BUSINESS

MH asked if there was any other business. He stated that we always welcomed donations from garden users whether in kind, such as plants, benches or physical helpers.

There was a brief discussion that there were still a number of illegal dog users in Gardens.

There was discussion regarding the problems of the Council's sight-seeing buses.

MH mentioned the need, in due course, to repair the cobbles around the perimeter of the garden railing plinth

A number of other minor issues were discussed.

Stella McCrickland, endorsed by the room, asked for a vote of thanks to the Board of Management and the gardeners for all their hard work and time during the year which was appreciated by all.

The meeting finished at approximately 12.05 pm.