



KEMP TOWN  
ENCLOSURES

**KEMP TOWN ENCLOSURES LIMITED**

**Minutes of an Annual General Meeting held on 18<sup>th</sup> January 2020**

at Brighton Waldorf School, Roedean Road, Brighton

**Attendance:**

36 people attended including 5 board members, Mark Harper (Chair), Ian Clegg (Treasurer), Matthew Evans, Lucy Graubart and Andrew Doig (Secretary/minutes)

**1. Apologies for absence:** apologies were received from Shirley Collins, Françoise Cosgrove, Chris and Lucy Goss, Ken Richardson and David and Nina Morris

**2. Chairman's Report**

Mark Harper spoke of the very successful open garden event organized with the NGS in June and thanked Janine Nahapiet, the Voles, other volunteers and the gardens team for their part in this success. He spoke of the extra resources employed during last summer to get the Chichester Terrace bed under control and of plans to keep it weed free in future. He described the case put to the Council holding them responsible for the repair of the cobbles around the perimeter of the gardens. After a site meeting with senior Council representatives and our barrister, the Council had flatly rejected our claim. The board had ruled out litigation because of the high cost and risk of incurring the other side's costs and, perhaps worse, losing and becoming liable for the repair of the cobbles at huge cost to KTE. Mediation had also been decided against for similar reasons. The Council, even if it accepted liability, was unlikely to prioritise the work given their diminished income and other more pressing calls on their resources in the foreseeable future. Mark went on to talk about ongoing efforts to hold the contractor for the southern railings responsible for the rust appearing despite repainting and spoke of the board's plan to obtain specialist advice on this. Progress with improving the garden team's workplace had been made by the installation of electricity enabling KTE to provide light and heating in a new cabin to be used for the team's lunch and tea breaks. He spoke too of progress with developing a system of risk management, in which Jeremy had played an important part, identifying and mitigating risks to staff and garden users. Mark expressed the board's gratitude to Amanda Kennerley, a resident with specialist knowledge, who had given helpful expert advice. The brief to our agent Jonathon Rolls was being extended to provide periodic reports on the state of repair of hard landscape elements of the gardens eg paths, gates, railings etc., so that the board could take any action needed. He spoke of welcoming to the board during the year, Lucy Graubart and the hope that Françoise Cosgrove might join the board too.

A discussion followed centred largely on the issue of liability for repair of the cobbles and how it could be pursued, together with discussion of the problem of damage to the cobbles, now and even when repaired, by cars parking in the spaces adjoining. There was a possibility that to prevent this damage, car parking spaces would be lost around the gardens. The future of the cobbles remained unresolved but the question of mediation would be looked at again by the board. In relation to risk, a resident reported that the path in the tunnel was strewn with mud.

### **3. Minutes of the AGM 3<sup>rd</sup> February 2019**

The minutes were accepted as a true record.

### **4. Head Gardener's report**

Jeremy Moulds gave his report on the gardening year (reproduced in full under the News page of our website [ww.kte.org.uk](http://ww.kte.org.uk)). He paid tribute to his team, Patrick and Ben and to the volunteer gardeners, the Voles. He made a plea for new volunteer gardeners to help at the Tuesday morning sessions which volunteers were attended or not as their other commitments allowed. A round of applause followed Jeremy's report.

### **5. Financial Statements for the year ended 31<sup>st</sup> March 2019**

Ian Clegg presented the accounts which showed a small drop in income from the previous year when a large donation had been made for the new mower shed. Expenditure was much as planned. He highlighted the costs of installing electricity to the garden team's area and the cost of counsel's advice on the cobbles issue. The year ended with a small deficit which would be covered by reserves. Ian went on to tell the meeting that in the current year, all income from charges had been received other than that for 3 Arundel Terrace. Expenditure was likely to be within budget at the year end.

### **6. Adoption of budget and approval of charges for 2020/21**

The board proposed that the charges be raised by an inflation element to £950 per freehold house and £314 for individual subscribers with £285 for the cottages at the foot of the tunnel. The proposal was accepted by the meeting.

### **7. Appointment of Certified Accountants**

The meeting approved the re-appointment of Chambers & Co to examine and certify the accounts.

### **8. Election of Directors**

Lucy Graubart who had filled a casual vacancy during the year stood down. Mark Harper and Andrew Doig stood down by rotation. All three offered themselves for re-election and were elected by the meeting. Ian Clegg and Matthew Evans elected at the AGM in 2019 remained in office.

### **10. Bicentennial Project 2023**

Janine Nahapiet spoke of the three themes of the project: yesterday, today and tomorrow, standing back to take a longer-term perspective of what we had inherited, how to celebrate today and make plans to pass on our inheritance to future generations. Projects to celebrate the bicentenary selected so far were the production of a coffee table book charting the history of the gardens, led by Russell Miller, the refurbishment of the secret garden and its flint walls, and plans to research future options for tackling the effects of climate change on historic gardens. A further proposal for creating a grass pathway through wildflower meadows either side of the tunnel mound was being considered.

Janine called for volunteers willing to lead on projects they felt passionate about for the bicentenary and for others to help with the second open day of the gardens on 11th June. The first opening had raised close to £2,000 for health charities.

In the discussion that followed, Mark Eynon proposed that a substantial number of new trees be planted in the gardens. Jeremy pointed out that this would change the character of the historic gardens. Bruce Tattersall wanted to see a project in a more prominent position than the secret garden. Vanessa Minns proposed that a mulberry be planted in the North garden. Jeremy said that there was presently no room for this but that a mulberry would be high on the list if a suitable site became available. Janine reported that a knowledgeable visitor to the open day had asked about our strategy for replacing trees given their age and this could be a project for the bicentenary. Stuart Hutchinson and Stella McCrickard each made suggestions about holding charged-for events in the gardens. Janine took the opportunity to obtain the meeting's agreement to developing a limited number of events open to the public that were focused and limited, in order to raise funds for KTE.

## **11. Access to the gardens by non-residents**

Andrew Doig put the board's case for making changes to the rules to deal with access to the gardens by visitors. At recent AGMs residents complained of problems arising from the use of the gardens by holiday visitors, for example, by inviting others to join them in parties, by bringing in unregistered dogs, leaving bottles, litter or dog mess in the gardens, playing ball games where they are not permitted, playing loud music or using drones.

Residents of houses making the annual contribution to the gardens' upkeep were entitled to have keys to the gardens, provided that they abided by the garden rules. Unfortunately, some residents had interpreted that right to include access to the gardens by their paying guests. And so it was that people who let their flats to holiday visitors, had been loaning out their keys and giving their holiday tenants unsupervised access to the gardens.

As a step towards tackling this problem, the Board proposed the garden rules be altered to require key holders to accompany their guests and to be responsible for their behaviour while in the gardens.

The board also proposed to change the rules to make sure that any events, to which members of the general public were invited, become subject to prior approval. This was because KTE was potentially liable for the safety and well-being of people entering the gardens. Although it had insurance cover, KTE would be expected to have assessed the risks that each event may pose and satisfy itself that the tour or activity leader was aware of those risks and would take steps necessary to mitigate them. For this reason and for the protection of residents and the gardens from inappropriate access and use, events to which members of the public are to be admitted would require prior approval from the office.

There followed a discussion from which it was clear that the meeting agreed to these changes but wanted the measures for making the rule change about holiday visitors more widely known and means of enforcing them developed. Greater clarity of the rules on gate notices was suggested, as was contacting landlords of holiday lets to ensure they knew that the rules had changed. Widening the discussion to include parties held in the gardens, it was suggested that residents be enabled to check on party bookings via the website or gate notices so that they could challenge or report gatherings that did not meet the requirements of the rules. The board was to consider the suggestions further.

## **12. AOB**

- i) Climate change: A suggestion was made that a system be set up to record changes to seafront garden sites and to share results. Jeremy expressed interest in this idea.
- ii) Mental health. Sally Richardson suggested that ways be found to enable people with mental health issues to benefit from the healing qualities of our gardens. The wellbeing walks that presently included the gardens were cited as a good start.

- iii) Railings: The need for frequent re-painting of rusted railings, particularly those of the North garden and the very high cost of replacing them in cast iron led Brian Horton to propose that railings in need of replacement be made of mild steel, as in the case of the stretch along the eastern side of the North garden which had not needed frequent repainting. Mild steel railings were vastly more affordable than cast iron, and suitable where the plinths were serviceable and not needing to be replaced. The board undertook to look at this option again.
- iv) Statue: Russell Miller asked what the board's attitude was to a proposal to raise a statue to Thomas Read Kemp in the gardens. Simon Smith intervened to say that this was a proposal being worked on by the Kemp Town Society and not yet a public proposal. Nevertheless, others took the opportunity to say that they opposed the idea of erecting such a statue in the gardens.
- v) Thanks: Russell Miller proposed a vote of thanks to those serving on the board and this was roundly applauded.