

## **Earl's Court Square Garden Committee Budget & Garden Levy Meeting held at St Cuthbert's and St Matthias School at 7.30pm on the 19<sup>th</sup> January 2023**

The meeting was opened by the Secretary, Anastasia Bouvier and held in accordance with the provisions of the Kensington Improvements Act 1851. As required by the Act the meeting of the Garden Committee needs to elect a Chairman and so Katrina Quinton was proposed for the position by Kevin Colgan and then seconded by Richard Rollefson.

Apologies were received from Simone Smith, Paul Horton, Ms and Ms de Witt Johnson and Dominic Bacon.

### **1. Chairman's Report and Welcome**

Katrina Quinton, Honorary Chairman, then gave the following brief introduction and report for the year ended 30<sup>th</sup> November 2022

"Firstly I would like to say how lovely it is to be able to hold this meeting in person and not by Zoom. The Covid pandemic was ghastly in so many ways, and in my opinion the Garden AGM's were the lowest point of the whole experience. Many lessons were learned through the pandemic and I sincerely hope that these are not forgotten and that the Garden AGM can revert to its pre-pandemic atmosphere of neighbourly discussion, proposal and agreement for the wonderful community asset we are all part of through the good fortune of being eligible to pay the Garden Levy for our square.

Looking through the minutes of the year's sub-committee meetings many things remain the same both in a positive and negative way. We continue to wonder about the lawn but it certainly is happier from the deep aeration and feed we gave it a few years ago and as we watered as long as we were allowed to through the year – which believe it or not was incredibly dry for the most part - we were lucky to create one of the few green spots, I am reliably informed, that was visible from the air for those passengers looking out the window as they flew back to London! The tree pruning also helped both the trees and the lawns and as I assured you last year, the major surgery to the tree on the southwest side of the lawn did not have a detrimental effect.

Thankfully, the moment the hosepipe ban started temperatures dropped and it started to rain and it doesn't feel that it has stopped since. We have all noticed how bizarre the weather has been this year and the very cold snap in early December was very welcome. The joy of walking back from a carol service in the snow to find lots of people lobbing snowballs at each other in the square and their peals of laughter ringing in the air was a joy.

The decision in late 2021 to dig out the turf to allow for the slabs at the base of the Christmas tree to be in the lawn, with the view that the turf could then be replaced afterwards, was not a success. This is why for Christmas 2022 the committee decided that the tree would be sited on the gravel in the middle of the western side of the garden. It seems that this decision was a success, not only for the lawn, but also for the Christmas tree lighting and carols evening where feet did not get as wet, the cables were no longer a trip hazard and I know certain residents were thrilled because they could see the tree from their home this year whereas in previous years their view was blocked!

We continue to buy and plant lots and lots of bulbs and have also been able to get snowdrops and English bluebells in the green which have been planted for future enjoyment (we hope). The squirrels and parakeets continue their crusade to wreck as much as they can as well as the foxes and their digging sessions but that has been the case since time immemorial and no doubt will continue to be so. So be it. As with everything, time is also something with which gardens have to contend

and we fear that age has caught up with our Pride of India trees opposite the north gate and by the shed. The trees are both about 50 years old and this is viewed as their natural lifespan. For several years we have been lopping off dead branches but the extreme conditions of this year may well have finished them off. Having consulted James Burton, the Council's arboriculturalist with whom we have worked for a long time, and also the RHS, we have agreed to see what happens in the spring. We will then decide whether we need to remove them and what to do with the areas where they are, as getting them out will cause major disruption. Obviously, we will maintain the feel of the garden and we will reuse and replant as much as we can and can decide whether we get new Pride of India trees or perhaps something different. Charlie Woods and his team continue to work their magic in the garden and I would like to thank them all, especially Charlie himself, Dan, Eyre and Ned.

We were delighted to be able to open the Square for the Open Garden Squares Weekend in June. The musicians were as lovely as ever and over 800 people enjoyed the garden. Our decision not to offer tea and coffee meant it felt slightly more relaxed from the Sub-Committee's point of view and it was a joy to welcome other residents in the square who came to help. If nothing else, we were all able to enjoy the sunshine and chat while interested and friendly people ambled around our garden and reminded us how lucky we are to have the garden – and how much they appreciated it being open for the weekend for others to enjoy inside the usually closed gates. We also took part in the competitions organised by Brighter Kensington & Chelsea and London Garden Society but despite both organisations sending their judges who enjoyed the square somehow we got lost by both organisations so never even made it to the 'here's a certificate for joining in' list! We will continue to support these events as even if we don't benefit many others do – not least our own Alan Malcolm!

The life and death of Her Majesty Queen Elizabeth affected us all – in June we had the pleasure of the Platinum Jubilee Tea Party organised with the Residents Association. A true community event which provided a delightful, relaxed and gentle afternoon in the garden. Sadly the announcement of her death on 8<sup>th</sup> September, while the final preparations were being made for the open air screening of Breakfast at Tiffany's, meant that this was immediately cancelled. Our thanks to Toby and Emily at TLC for all their hard work promoting this very popular event, and for their immediate cancellation of the screening and providing very loyal toasts to the late Queen, and to King Charles II.

Plans are afoot for a Coronation Celebration on 6<sup>th</sup> May with a fancy dress pageant for children. Plans are not finalised and we look forward to working as a community to create another happy occasion for those residents who would like to join in.

Age has also caught up with the playground and so we have started the process of looking at how we can replace the climbing frame. We have received one quotation as a starting point but would like to create a working group with parents so that future generations of children are able to enjoy the garden and continue to make friends. I would like to thank Harriet Worsley for her wonderful Garden Club which was enjoyed by many and helped to encourage children and adults in the square to enjoy the garden and to learn and remind them that the garden is for everyone and the plants and flowers have to be respected and to behave accordingly. Sadly for us, Harriet's professional life has now taken off to such an extent that she is unable to continue this wonderful exercise but we really do hope to be able to offer something similar again in the future. My thanks also to Sarah Wadey whose technical expertise helped enormously with the reservation and booking process and the revitalised website!

The release of covid restrictions did mean that people could travel again and, being such an international community, it seemed that in general there were fewer people in the garden over all.

The Committee did make the decision to ask families not to hire in professional entertainers for children's parties. It was felt that the majority of entertainers viewed their success on the volume of participants screams and there seemed to be a direct link between children's screams and the pain of other residents. Generally most parties were delightful, friendly and welcoming though we did wonder at the behaviour of some adult guests who seemed to feel that urinating in public was perfectly acceptable. It's not, and unfortunately the emu thought process of I can't see you therefore I can't be seen, does not work. I would remind all key holders that they are responsible for the behaviour of their guests, and equally that all key holders are able to remonstrate with those whose behaviour is unacceptable. I would also mention that while the garden is not a public garden, it is equally not a private garden or a public beach and an element of modesty would be welcome when sunbathing.

The garden continues to be a selling point for properties in the square and the waiting list for the Subscriber keys has continued all year at twenty plus people. We continue to remind estate agents that it is only properties that pay the garden levy are entitled to keys and Stacy Bouvier continues to explain to those who have been told otherwise. We understand new residents' frustration but we are bound by the Kensington Improvement Act. Previous AGM's have settled on the number of 75 Subscriber keys and while I agree that the number should be restricted, there are varying opinions within the sub-committee as to what this number should be and granting access to this wonderful community asset.

Kevin Colgan continues to be the glue which holds the garden together – as well as the gates, the irrigation system, the Egyptian dogs, the Chairman and many other things too. His knowledge and experience, his kindness and good humour and his love of the garden are invaluable and appreciated more than he will ever admit! We know the lighting has been problematic this year – the electricians will be returning with the hope of finding out why the north of the square has been so problematic!

The good humour and engagement of the rest of the sub-committee not yet mentioned is much appreciated: Cilla Ware, Heidi Bradner, Alan Malcolm and our treasurer Tom Brown who has also put time into the documentation of the ownership by us all as the Garden Management Committee of the Freehold and the Trustees thereof for which many thanks and which will be explained more fully later in the meeting. I would like to mention Stacy Bouvier especially. On your behalf I would like to thank her for 35 years of time, effort, energy, active and emotional engagement in the Earl's Court Square community and especially the Garden Sub-Committee. She has told us that she will be retiring from the sub-committee in 2023 as she and Alain create the next stage of their lives away from London. Her warmth, kindness and generosity in welcoming people to the garden and the community will be missed enormously – she will leave a huge gap which will be very difficult to fill and we will send them on their way in due course with love, grateful thanks and affection ... and a party in the garden at a date to be confirmed when they know what their movements are!

As Chairman of the Sub-Committee it would be lovely if we could continue to welcome younger people on to the sub-Committee as fresh eyes and fresh opinions are always welcome. The election of the committee has never been on a rotational or fixed term basis but perhaps it should be going forward and perhaps this should be considered. It would be great if we could create working groups for the playground refurbishment and perhaps a group of residents who are willing to understand the maintenance needed for the irrigation, gate and lighting systems. We are open to offers and will be organising social occasions for those who might like to volunteer to come and find out more!

Thank you to the sub-Committee and thank you to everyone who makes Earl's Court Square and the garden the happy and content place it should be"

Katrina was then thanked for her comments and the Chairman's report.

## 2. Treasurer's Report

Tom Brown, Honorary Treasurer, then read out the following report and before asking those attending to vote on the precept.

"Routine expenditure on garden maintenance was significantly less than budget in 2022 and expenditure on long-term assets was also much less than the budget allowed and consequently year-end cash of £60,785 was higher than budget £42,253, but did fall from 2021 £80,442, as expected.

The budget for 2023 allows for routine expenditure to remain at a virtually unchanged level, with the absence of triennial tree-pruning costs offset by an increase in garden labour, planting, water billing and higher electricity. We budget for replacement of the old playground climbing frame/slide, and thus overall foresee expenditure of £65,028, an increase of over £15,000 on 2022 but comparable to 2022 (underspent) Budget

To meet this increased expenditure and ensure we have enough cash at year-end to see us through to receipt of the next Garden Levy, we restore the Garden Levy to £25,000, its level for several years until the pandemic, and increase the subscription rate to £215 (£190) for the 75 non-Garden Charge-payers in the arms of the Square to raise £16,125 in income. Year-end cash would be £38,207 if we spent up to the full budget.

### Review of 2021-22 Income & Expenditure

The Garden Committee's accounting year runs from 1 December to 30 November so for simplicity references to '2022' and '2021' cover periods running from December 2020 to November 2021 and the previous period December 2020 to November 2021.

Together with this report you will find 2 spreadsheets, both of which when opened should be printable without adjustment on A4: 'Garden 2014-22' and '2022 Budget and Actual with 2023 Budget'. These will enable you to see the financial position over an 8-year time frame and compare easily our actual expenditure against what we were expecting at this time last year.

### Income

2022 showed a similar pattern to 2021. Our income at £29,485 was still higher than budget, because we assumed 75 Garden Subscribers (the cap approved at the AGM) would renew their access but in fact only 64 did (down from 72 in 2021), so there was extra income from new subscribers. Fewer new keys were issued to new Garden Charge payers. We had a £180 distribution of the surplus from the Open Gardens organization.

Interest received on our bank balances (median £70,514 through 2022) was up but still minimal owing to near-zero interest rates until late Summer (in real terms again negative).

Overall income was 2.5% more than budgeted.

## Expenditure

The number of hours worked by our gardeners, Moyses Stevens (Landscape & Gardens) Ltd – trading as Charles Wood Landscape Consultants – was slightly down on 2021 and pre-pandemic 2019, with billing for garden labour of £22,289. FYI their hourly rate charged is unchanged at £21 + VAT.

Planting, manure and feed at £3,850 was a reversion to long-term levels after 2021 exceptional £8,170 including £2,400 for a deep lawn aeration treatment of dried seaweed by Terrain Aeration Services, as well as conventional top-soil and seeding.

Tree-pruning of £9,024 was within budget and in fact slightly less than the previous routine round in 2019, as surgery to one plane tree in 2021 reduced the scope of work required in 2022.

Under nearly all other headings of expenditure you will note we spent less than the budget allowances, although in line with long-term patterns. The exception was water costs. We do not believe we increased the volume of water used, but it came to light Thames Water had not read the meter during the pandemic and issued substantial under-estimates in 2021. On sending in current readings in 2022, we received a large catch-up bill. As our electricity tariff was fixed for 2 years until November 2022, we were not impacted by the rocketing electricity bills.

Events in the Square (£3,413 vs budget £3,000) are funded from non-garden levy monies and comprised as usual the Christmas Tree, which ECSRA no longer contributes to, music on Open Garden days and costs of supporting the Children's Gardening Club.

Garden waste charges of £1,006 were spot on Budget, and we continue to try to hold these down by maximizing use of the low-cost RBKC Blue Bag collection service and use of our own composting bins.

Overall routine expenditure was 12.5 % less than budget.

The 2022 budget included £15,000 to allow for the second payment of £4,728 on automating the North Gate and carrying out automation of the South Gate. While the experience with the North Gate has been positive, with few teething issues, we refrained from proceeding to automate the South Gate, since level access is not possible, there would be no benefit for wheelchair users.

Expenditure on electrical work and the irrigation system was minimal at £299, with one attendance by MK Electrical London.

Total expenditure overall of £49,142 was thus well below the budget £66,944 but nonetheless was still the second highest ever (2019 £58,352 was a year of tree-pruning). We thus did not reduce our cash balances by the amount expected, with year-end cash of £60,785, down from £80,442 at the beginning of the year.

## Budget 2022-3 and Garden Charge 2023-4

The background to this year's budget is much higher inflation than expected this time last year (8.9% in 2022 vs 5% forecast) caused by surging energy prices and other inflationary pressures, with ongoing negative real interest rates, despite recent rate increases. The OECD forecasts inflation of 6.6% over 2023, and disposable household incomes will be squeezed again by inflation, low pay growth and higher taxes.

This budget conservatively allows for 10% increase in garden labour and insurance costs from 2022 actual. Planting, manure and feed is kept at the 2022 budget level of £6,000 This generously allows for planting new mature trees and plenty of bulbs and annuals.

While meter readings in April and September, just after the hosepipe ban, established a normal level of summer water use around £550, we believe there has been a leak in our pipes which means we are likely to receive at least one more exceptional bill. Consequently, £2,250 is budgeted for water. Our electricity budget of £550 is around 3x our 2022 costs, owing to the increase in EDF's regular business tariff to an eye-watering £1.05 kw/h, mitigated until April by government relief. This does not assume any continuation in government help beyond April. Fortunately, we are a low energy user, and the automation of the North Gate has made no noticeable difference to our power consumption.

Other headings of routine expenditure are regularly underspent, so these are left unchanged.

Expenditure on fixed assets is generously increased to £20,000, which will cover replacement of the aging, noisy climbing frame in the playground. We have obtained one estimate already (for around £16,000) and at least one further competitive estimate will be obtained. The budget of £1,500 for electrical and irrigation systems will allow us to cover repairs to the north circuit of LED lights and find the water leak.

The total budgeted expenditure for 2023 is a record £65,028 (previous highest was a tree-pruning year £58,452 in 2019). Nonetheless, because we start the year with £60,785 cash, a return to the previous Garden Levy of £25,000 combined with an inflation-increased £215 renewal fee for Garden Subscribers, means we can finance all this expenditure with one of the lowest in RBKC. There is no change to the £60 fee we charge for issuing a new key fob.

Looking ahead over the period 2023-6, assuming we continue to allow 75 Garden Subscribers to use the garden, the Garden Levy would directionally increase in line with inflation”.

***The Treasurer then asked the attendees to vote on the precept amount of £25,000 and the renewal fee for Garden Subscribers. This was then agreed unanimously by the meeting.***

Tom was thanked by all present for his work on the Treasurer's report

### **3. Re-election of Management Sub-Committee**

All other members of the Sub-Committee voted for at the last AGM stood for re-election. Stacy Bouvier, Tom Brown, Katrina Quinton, Kevin Colgan, Heidi Bradner, Alan Malcolm, Cilla Ware, and Sarah Wadey.

They were re-elected by an unanimous vote.

### **4. Freehold Trustees**

Tom, the Treasurer then went onto explain the historic background to the 50% ownership of the Freehold of the Garden. A memorandum on the ownership of the freehold was executed in 2015 between Mr Gooding and Katrina and Stacy, who were formally declared trustees of the 50% freehold interest owned on behalf of the Garden Committee.

The process for replacing the trustees then written down last year, when a Deed of Trust, drafted by Robert Barham at Forsters, was also executed.

This Deed of Trust codifies the legal position that the freehold trustees must follow any instructions from the majority of Garden Committee members expressed at a general meeting, and that the trustees must themselves be Garden Committee members.

Stacy after many years of service as a member of the Subcommittee and dedication to the garden has informed us that she will be retiring and moving from the Square. She will therefore be unable to continue as a freehold trustee.

The Deed of Trust states there will be a minimum of two and maximum four trustees. New trustees are elected by a meeting of Garden Committee members. Ordinarily, the only duties involved would be signing any documents required to enable the owner(s) at the time of the other 50% to sell their interest if they wish to, complying with the 2015 Memorandum on cooperation. The names of the trustees appear on the Land Registry as the co-owners of the garden freehold.

The Deed of Trust provides an indemnity to trustees for acting as trustee from the Garden Committee. In any case, RBKC pays lawyers Forsters to act for Garden Committees respond to any unforeseen legal issues arising.

Both Tom Brown and Sarah Wadey volunteered to be Trustees to replace Stacy when she leaves and the meeting unanimously agreed.

#### **5. Any other Business.**

Angela Casucci then brought up the question of the security of the square and the fact that during the summer individuals had been jumping over the gates and the hedges at night to get into the garden. Ideas were put forward for alleviating the situation from cameras, lights, a security company, a group Whatsapp etc. The situation would be monitored over the next summer and hopefully improve.

Lastly Angela wished to address the subject of rubbish being left in the garden and whether a new bin should be introduced. Katrina pointed out that it the responsibility of the garden key holder to remove from the square all rubbish and in addition if the gardeners found things they would also remove them.

There being no further business the meeting was ended and the Chairman thanked all attendees and asked them to remain for a drink.