



GROSVENOR

Notes of a Meeting

Of the
Belgrave Square Garden Committee
Held on
15 September 2010: 9.30-11.30am
At
46 Eaton Mews North, London SW1

Present:

Committee: Mary Regnier-Leigh (Chair) (MRL)
Lord Ballyedmond (EB)
Amanda Bond-Elliott (ABE)
Lady Cleaver (JC)
Andrew Gordon-Lennox (AGL)
Caroline Lister (CL)
Helen Oratore (HO)

Grosvenor: Nigel Hughes (NAH)
Stephen Smith (SS)
Kathryn Samuels (Sec) (KS)

Apologies: Lawton Fage (LF)
Olga Kennedy (KE)
Julie Wetherell (JW)

Minutes copied to: All attendees and apologies
Belgrave Square Gardens website
Belgrave Square Garden noticeboard

Action

1.0 Garden usage report

1.1 The garden usage report was used as the basis for some discussion. It was established that:

- Peak season of usage is late Spring through to Midsummer
- The party season is mid May to mid July with all parties falling into that period
- Midweek days are busier than weekend days
- Peak times during the busy summer months are 3:00pm – 6:00pm

1.2 MRL handed out a list of issues needing discussion (see Appendix A).

1.3 KS to look further at the figures for heavy usage and highlight those that do not appear to have a legitimate reason to use the garden so heavily KS

2.0 The number of parties in the square / supervising children's parties

2.1 ABE felt that incidents reported to Grosvenor arising from parties had not been dealt with promptly and effectively. She said that she had not received a reply to a request for information relating to a party with bouncers on the 28th July and a wedding party. (*Post*) KS

meeting note: an email was received on the 20th July reporting a gathering with bouncers so ABE's request did not refer to the party on the 28th July. Grosvenor was unable to contact any individual garden users as a date and time of the incident were not provided. Similarly, there were no incidents of heavy gate usage on the afternoon of the reported wedding party. This information was passed to the Chair).

ABE said that she had also not heard back regarding a reported incident of a garden member being verbally abused by another garden member. SS advised that this incident had been resolved by Frances Collins of the Gardens Department and an email had been received from the woman who had been verbally abused stating that she accepted the resolution. MRL asked for a protocol to be established regarding complaints whereby:

- All committee members are informed of incidents
- A time scale of response established
- All committee members are informed of the outcome
- Sanctions need to be agreed. For example banning or suspension in response to any kind of misuse of the garden.

It was agreed that reducing abuse of the garden would reduce running costs as damage arising from misuse would be reduced.

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|------------|--|--------|
| 2.2 | <ul style="list-style-type: none"> • It was agreed unanimously to place a temporary ban on children's parties. Picnics would be allowed for up to 10 supervised children, although this would need to be discussed in more detail in a future meeting. • EB suggested that the Committee should be informed of the date and time of any parties. The warden should also be kept informed in order to keep an eye on proceedings. | KS |
| 2.3 | <ul style="list-style-type: none"> • EB put forward a formal motion to reduce the geographical limit of membership by one third. Six members voted for and two (MRL & NAH) voted against this motion. NAH advised that residents on the 200 acre Grosvenor Belgravia Estate had had a concession since 1948 to be able to purchase a key to use the garden and that the Grosvenor Trustees were keen that this arrangement should continue. NAH also advised that under the Garden Constitution (clauses 1 & 17), for any changes to come into effect it would need both Grosvenor's prior approval and approval at an Annual or Extraordinary General Meeting of key holders. • It was agreed that no renewals or new members should be accepted from residents who had access to other gardens (Chester Sq, Eaton Sq and Wilton Crescent Gardens) and that no new membership applications would be processed this year. • Subject to the point above, it was agreed that future applications for membership should be approved by the Committee based on numbers. The application process requires further discussion. NAH estimated that garden membership had increased by approximately 50% in the last 3-4 years. (<i>Post meeting note: 64 key holders did not renew membership in 2010 which gives an idea of natural wastage</i>). | KS/MRL |
| 3.0 | Security – employing a guard 1 week to police usage or more permanently | |
| 3.1 | <p>It was agreed that a warden should be employed, particularly over the summer, to be funded through raised garden membership fees for outside members. The warden would be able to enforce the rules of the garden and deal with;</p> <ul style="list-style-type: none"> • People entering the garden without a valid fob (to check details with the Garden Department as a card reader is not available with the gate system) • Unauthorised parties • Cycles and ball games <p>(<i>Post meeting note: Based upon current numbers, the cost of employing a warden for 3 months would equate to an increase in the external keyholder's annual charge of approximately £25 p.a. The administration costs associated with managing external keyholders equates to approximately £50 per keyholder</i>)</p> | SS |
| 3.2 | <p>EB proposed and it was agreed that JC be appointed as the committee member to liaise with the warden. It was agreed that this should be a three month post rotating between</p> | JC/SS |

members of the committee. ABE will follow on from JC. The committee member is also to be the main point of contact for Grosvenor regarding resolving incidents in the garden (2.1).

3.3 Further discussion on data protection is called for.

KS/NAH

It was suggested that new members and those renewing membership be asked if they are willing to share their details with the committee / garden management team with a view to resolving incidents in the garden. (3.2)

(Post meeting note: Grosvenor has received legal advice on the application of the Data Protection Act to key holders' personal data if an application form is to be introduced. A copy of the advice is attached as Appendix B).

3.4 EB proposed banning children from the garden who are not the children of key holders or restricting children to a designated "play" area. This was dismissed.

3.5 ABE suggested limiting access to one gate to better police the garden

4.0 Garden rules relating to parties

4.1 It was agreed that the garden rules relating to parties were fairly thorough. Problems arose because the rules were not enforced and the garden is not policed.

4.2 Provisional wording discussed for children's picnic parties:

- Simple picnic style parties for a reasonable number of children
- Finish by 5:00pm
- Professional, organised parties are not allowed

5.0 Purpose and function of the committee

5.1 EB questioned the purpose and function of the committee. This item will be discussed in more detail at the next committee meeting. The following decisions were taken:

- Warden to keep a list of incidents to discuss at committee meetings
- All parties to be approved by the committee
- All requests for garden membership to be approved by the committee (2.3 & 3.3)

6.0 Improved signage

6.1 This item will be discussed at a future meeting

7.0 AOB

7.1 On behalf of all the committee EB thanked AGL for the excellent contribution, friendship and great charm that he has brought to the meetings. The committee will be all the poorer for his absence.

7.2 MRL thanked ABE for doing such a fantastic job of organising the Garden Party and extended her thanks and appreciation to all of those who contributed.

7.3 The next committee meeting are set for:

- 5 October at 8:30am
- 14 Dec at 5:00pm as agreed at the meeting on 16 Dec 2009

7.4 SS advised that the tennis court will be closed for at least a fortnight from Monday 20th September for resurfacing

7.5 NAH proposed setting up subcommittees to deal with issues such as finance

NAH

Appendix A

Issues for discussion at BSG Committee meeting on 14th September 2010

COMPLAINTS AND ACTIVITIES GIVING RISE TO THIS MEETING

The centre area being a children's playground rather than a garden

Uses of bicycles scooters etc

Ball games

The attraction of the play area giving rise to many non keyholders using the garden

Overuse generally and access by non key holders

Damage to plants, probably by children

Graffiti

Offensive and anti social behaviour– youths playing football

 The Hay incident

 Unauthorised parties

 Use of plant beds as WCs

Music and alcohol

POSSIBLE SOLUTIONS

Rules on every notice board – larger print

Limit members

No members who can use other gardens (eg Chester. Eaton)

Employment of a garden warden (funded out of garden fee increase)

Use of one gate only and to be policed by warden to check keyholders only and compliance with rules – to be employed by Grosvenor – Committee reps to sit on interview panel

Differential rates to join garden

Base standard fee to cover household of 3

Additional fee for each household member including children (nannies being additional) Additional fee for each dog

Parties to be authorised by Chairman and lists to be send to Committee and posted on notice boards

No children's parties

No weddings or other large parties (apart from Belgrave Square residents Sq residents, but terms to ensure that other Sq users will not be restricted)

Commercial shoots may be allowed at Chairman's discretion with advice from a standing sub-committee, subject to commercial rate being charged at a full commercial rate, but no parties apart from the Committees own party annually.

All funds raised from use of garden to be credited to garden budget

Implement the winter tennis list

Children's plays dates prohibited. Only keyholder's children may use the garden when they or that family's nanny is present. Nannies are not to bring in children from other families.

Strict enforcement of Rules.

Garden staff complement - what does the budget cover - Martin ? Andrew etc Number of gardener hours to be considered. Whether over use of garden contributes to lower standard when compared say to Eaton Square and how to bring it to a similar standard

Regular meetings with gardeners – weekly or fortnightly by Chairman

Sanctions on non compliance

Appendix B

Belgrave Square Garden and the Data Protection Act

1) Is the information being processed "personal data" within the meaning of the Data Protection Act 1998 ("DPA")

To fall within the DPA, the information must be personal in nature (i.e. it must identify a living individual, whether directly or indirectly). The information must also be processed automatically and must be either held in a "relevant filing system" (any system, electronic or manual, in which records are structured so that specific information relating to a particular individual is readily accessible) or in "accessible records" (health, education or accessible public records).

I understand from the email correspondence below that individuals applying for a key to the garden at Belgrave Square would need to fill in an application form including their name and address.

On this basis, it is likely that the information being obtained would constitute "personal data".

2) Is the personal data being 'processed'

Under the DPA, "processing" is defined widely and is likely to encompass all possible used of and changes to personal data. The submission of a completed form to the Belgrave Square Garden Committee ("BSGC") would therefore constitute 'processing'.

Grosvenor, as "data controller" under the DPA, would therefore need to ensure that the personal data is processed in accordance with the DPA. In relation to most personal data, Grosvenor's obligations are likely be satisfied as long as the individual concerned has consented (explicitly or implicitly) to its being processed. To this end, and provided that such data does not constitute sensitive personal data (see below) we would recommend including an 'opt out box' in the relevant form allowing the individual to elect that its personal data is not processed. In the event that the election is made, the data could not be processed.

3) Is the personal data "sensitive personal data" within the meaning of the DPA?

It is important to ensure that no data being processed constitutes "sensitive personal data" under the DPA, as more onerous regulations are placed on data controllers in relation to the processing of sensitive personal data. "Sensitive personal data" is defined as any data which relates to ethnic or racial origin, religious or political belief, physical or mental health and sexual orientation.

The type of information Stephen Smith has proposed be included in the form (as set out in his email of 16 September) does not appear to constitute sensitive personal data under the DPA. However, in the event that it did, Grosvenor's obligations under the DPA in relation to the processing of such sensitive personal data would be satisfied if the individual concerned explicitly consents to the data being processed. In this situation the form should contain an 'opt in' box requiring the individual to expressly elect that its personal data is processed. In the event that this election is not made, the data could not be processed.

Of course, in relation to both types of personal data, Grosvenor would be entitled to specify that the referral to the BSGC is an integral part of the vetting process and without it the application cannot proceed. We suggest that you could also go on to state that if an applicant prefers not to participate on this basis it should either not proceed with the application or, if the application is already underway, it should notify Grosvenor and the application will be withdrawn. A statement to this effect could be included on the form itself.