

Lansdowne Road / Elgin Crescent Gardens

Garden Rules

1. Definitions

In these rules the following expressions have the following meanings:

"Gardens" means the enclosed Gardens at Lansdowne Road and Elgin Crescent administered under the care of the Committee in accordance with the Town Gardens Protection Act 1863

"Committee" means the sub-committee of the Gardens appointed in accordance with the provisions of the Town Gardens Protection Act 1863

"Resident(s)" means the owners and occupiers of properties in Lansdowne Road and Elgin Crescent who are entitled to access to the Gardens in accordance with the provisions of the Town Gardens Protection Act 1863 and who pay for its upkeep by way of a surcharge on the council tax levied by the Royal Borough of Kensington & Chelsea

"Workmen" means builders workmen or other contractors employed by a resident to carry out work to the resident's own private property

"Individual Planting Areas" means the area of land lying between the perimeter path of the Gardens and the back fence or other boundary of residents' own houses where those areas have been allocated as areas to be maintained by residents

2. Access to the Gardens

2.1 Access to the Gardens is limited to Residents

2.2 Residents may invite a reasonable number of guests to accompany them but at all times the Resident himself or herself must be present with any guest and the Resident will be responsible for the behaviour of the guest.

2.3 Those persons using the Gardens, whether residents or guests, do so on the understanding that they will at all times comply with these rules.

2.4 Any guests of residents must leave the Garden by 9.00pm (or dusk if earlier)

3. Keys to the Gardens

3.1 The Committee will issue keys to those Residents entitled to them. Application should be made to the designated Committee member

3.2 Keys issued remain at all times the property of the Committee.

3.3 A deposit will be required before a key is issued to a resident of £20. If Residents require a second key, the deposit for that key will be £50.

3.4 If any Resident ceases to qualify as a Resident he or she undertakes to return the key to the Committee and upon doing so shall be refunded the deposit paid for the key.

3.5 Residents undertake not to loan or give Gardens keys to any other person (except members of the Resident's own family or others living with the resident at their property).

4. Parties and Gatherings

- 4.1 Save as provided in 4.2, no party or other gathering shall be permitted in the Gardens.
- 4.2 The Committee may, as it discretion, approve use of the Gardens for children's birthday parties provided these do not or are unlikely to cause, in the opinion of the Committee, undue disturbance to the use and enjoyment of the Gardens by other users. In giving its approval the Committee may impose additional restraints or conditions upon the person to whom consent is given and in that case such person will comply with the additional conditions or restraints.

5. Football and Other Sports

- 5.1 Save as provided in 5.2, football and other sports are not permitted within the Gardens.
- 5.2 Football and other sports which comply strictly with the following conditions are permitted within the Gardens:
 - 5.2.1 Games should be primarily for children but adults are permitted to join in.
 - 5.2.2 Teams should comprise no more than five on each side.
 - 5.2.3 Games are only permitted in open areas and are prohibited in any area marked as such by the Gardens committee.
 - 5.2.4 Games should not be played when lawns are wet.
 - 5.2.5 Boots or studded footwear likely to damage the lawns should not be worn.
 - 5.2.6 Participants should ensure that no damage is incurred to trees and plants in the Gardens and that damage to lawns is kept to a minimum (with the location of games rotated regularly so as to minimise wear on the lawns).
 - 5.2.7 Games should not be played after 8.00pm or dusk, whichever is the earlier.
 - 5.2.8 Games should not engender excessive noise or endanger any other Gardens user or resident.
 - 5.2.9 No damage should be caused to any adjoining private Gardens.

6. Bicycles

- 6.1 Save as provided in 6.2, no resident or guest shall ride any bicycle or other wheeled device in the Gardens.
- 6.2 Use of bicycles and other wheeled devices in the Gardens is permitted only if it complies with the following conditions:
 - 6.2.1 The user is a child aged 13 or under.
 - 6.2.2 Use should not take place on any wet lawn or in any shrubbery.
 - 6.2.3 No racing is permitted.
 - 6.2.4 No bicycle or other device is left unattended within the Gardens.

7. Noise and Disturbance

- 7.1 The playing of music and the use of noise amplification systems in the Gardens shall not be permitted at any time.
- 7.2 Residents must ensure that at all times noise is kept at a level which does not cause disturbance to other users of the Gardens.

8. Furniture, Equipment and Rubbish

- 8.1 Residents are not allowed to bring substantial pieces of furniture into the Gardens. Any picnic furniture and equipment together with any children's toys, crockery, cutlery and other equipment must be removed from the Gardens at the end of each day
- 8.2 All users of the Gardens shall be responsible for removing any rubbish or other item brought into the Gardens by them either by removing it from the Gardens or by placing it in a rubbish bin provided.

9. Dangerous Items and Fires

- 9.1 No fires may be lit in the Gardens.
- 9.2 The use of barbeques and other cooking equipment in the Gardens is prohibited.
- 9.3 No dangerous equipment such as bows and arrows, catapults, hard balls or similar items shall be brought into or used in the Gardens.
- 9.4 Residents are responsible for the safety of themselves and their guests while using the Gardens. Special care should be taken to supervise children and pets using the garden. The Committee maintains public liability insurance but residents should be aware that they may be held liable for damage or loss caused to their guests using the Gardens.

10. Dogs

- 10.1 No dog which does not comply with the provisions of 10.2 of this clause shall be permitted to enter or remain within the Gardens.
- 10.2 Dogs belonging to residents of Lansdowne Road and Elgin Crescent may be permitted to use the Gardens provided they have first been registered with the Gardens committee. Anyone wishing to register their dog must first complete a dog registration form and lodge it with the Committee member responsible for dogs
- 10.3 Dogs that have been registered with the Committee may use the Gardens provided that at all times the registered owner ensures that the dog complies with the following provisions:
 - 10.3.1 The dog must always be accompanied by its owner or another member of its owner's family aged 13 or older and be kept under proper control at all times.
 - 10.3.2 All dogs must be wormed regularly to protect children and other users of the Gardens.
 - 10.3.3 Any dog the Committee considers dangerous must at all times be kept on a lead and be muzzled. The Committee consider all Rottweilers, Doberman Pinschers, Staffordshire Bull Terriers, Japanese Akitas, Pit Bull Terriers, Bullmastiffs, English Bull Terriers, American Bull Terriers and German Shepherds as dangerous and reserve the right to extend or alter this definition at any time.

- 10.3.4 All dogs must carry a tag bearing the name of its owner and a contact telephone number.
- 10.3.5 All messes made by dogs must be cleared up by their owner or handler and messes must either be removed from the Gardens or be deposited in the special dog bins installed within the Gardens for this purpose.
- 10.4 The permission granted in clause 10.2 may be revoked at any time by the Committee if the Committee considers that the dog in question or its owners are in breach of the rules set out in clause 10.3

11. Damage to Trees and Foliage

- 11.1 No person using the Gardens shall cut, trim or displace any soil, turf or plant within the Gardens nor pluck any bud, blossom, flower or leaf of any tree or plant.
- 11.2 In the event that any area is fenced off by or on behalf of the Committee, no person shall use that area.

12. Builders and Other Workmen

- 12.1 Save as provided in clause 12.2 no Resident shall permit any Workman to have access to the Gardens at any time.
- 12.2 The Committee may permit access to Workmen on the following terms and conditions:
 - 12.2.1 Consent shall be given by the Committee in writing only.
 - 12.2.2 The Committee shall only permit access to Workmen where no other means of access to the Resident's property is practicable
 - 12.2.3 The Workmen or the Resident by whom they are employed shall pay to the Committee a deposit against loss or damage to any item within the Gardens caused by the Workman. The level of the deposit will be set from time to time by the Committee depending on circumstances but shall not be less than £250.
 - 12.2.4 The Workmen will not carry out any work to the Gardens itself and this clause shall only permit them to have access to a Resident's own property.
 - 12.2.5 Workmen shall not use any motorised vehicle in the Garden.
 - 12.2.6 The Workman shall remove any waste or other item based in the Gardens by the end of each day.

The owner of the property on which work is being carried out shall be responsible for any loss or damage caused by his or her Workmen.

13. Individual Planting Areas

- 13.1 The Individual Planting Areas remain part of the Gardens.
- 13.2 Residents shall be responsible for the planting and upkeep of their Individual Planting Areas. Planting and upkeep should be appropriate to the layout and upkeep of the Gardens. Residents shall not alter the layout or make significant changes to the planting of Individual Planting Areas without the consent in writing of the Committee.
- 13.3 Notwithstanding paragraph 13.2 no tree with a diameter greater than 75mm at 1500mm from the ground, whether in an Individual Planting Area or in the Communal Garden, can be pruned or cut down without permission having been given by the Committee which where

appropriate will only be given once the Committee has itself obtained any necessary planning permission

- 13.4 No light fixtures are to be installed in the Individual Planting Areas and no external lighting in any private garden or affixed to any house should illuminate the Private Planting Areas or any other part of the Communal Garden
- 13.5 The Committee may permit the installation of features to designate the extent of each Individual Planting Area but if it does so any such consent may be withdrawn upon notice in writing and if such notice is given the owner shall ensure that any such feature is removed as requested. In considering any application for consent to install a boundary feature the Committee will have regard to boundary features installed at nearby or adjacent properties. The preferred boundary feature is ceramic rope tiles but in some cases a low brick retaining wall will be permitted where appropriate. Fences at the ends of properties must be compatible with the original cast iron fences bordering the Gardens and in accordance with applicable planning laws.

14. Liability

Residents use the Gardens at their own risk and the Committee can accept no responsibility or liability for any accident of any kind, or for any damage to, or for loss of, property occurring while in the Gardens. Residents should report any potential hazards to the garden committee immediately.

Note: Lansdowne and Elgin Crescent Gardens is administered in accordance with the Town Gardens Protection Act 1863 and these rules have been approved in accordance with section 4 of that Act and consequently have the status of local byelaws. Breach of the rules may be prosecuted in the criminal courts and a person convicted of an offence in breach of these rules may be required to pay a fine and will obtain a criminal record.

Approved by the Lansdowne and Elgin Gardens Garden Committee at the Annual General Meeting of the Lansdowne Road and Elgin Crescent Garden Committee held on 18 January 2010 at 75 Elgin Crescent

Signed:



Michiel Bakker Chairman

These rules were allowed and confirmed in accordance with Section 4 of the Town Gardens Protection Act 1863 by the Resident Judge of ~~Blackfriars Crown Court, 1-15 Peacock Street, London SE1 0BJ~~

THE CROWN COURT AT KINGSTON UPON THAMES
6-8 PENRYN ROAD, KINGSTON UPON THAMES KT1 2BB

on the

8th

day of

FEBRUARY

2010



ACTING RESIDENT JUDGE