

Learmonth Gardens

www.learmonth-gardens.org.uk

Guidelines for Use of the Gardens

Spring 2010

The common gardens were first planned over a century ago as an amenity for the enjoyment of all members. Today the gardens continue to provide a pleasant outlook, an area for relaxation, a haven for wildlife, and some of the last remaining large elm trees in the city.

These Guidelines outline the context of common ownership, and how the gardens can be enjoyed by all. More detailed information on all aspects of the gardens and the LGA can be found on the Association's website www.learmonth-gardens.org.uk or by contacting one of the committee members.

Members are encouraged to use the gardens for social gatherings and for pleasure. In *any use*, members should take care of the plants and trees in the gardens and ensure that their activities do not detract from the enjoyment of others.

CONTEXT: GARDENS OWNERSHIP & THE LEARMONTH GARDENS ASSOCIATION

- ❖ The gardens are in "common ownership" of all properties in **1-19 Learmonth Gardens & 1-23 South Learmonth Gardens**. It is a condition of ownership that all owners "*maintain the gardens for the common benefit of all properties*". This common feudal obligation is achieved by the existence of the Learmonth Gardens Association [the 'Association/LGA'] to which all owners are members. The Association works to a constitution agreed by the members.
- ❖ The common gardens are described in the respective Feu Contract(s) as '*ornamental and pleasure ground*'; this description forms an underlying reference as to how the gardens should be maintained and used.
- ❖ The Association's financial year runs from May to April, with subscriptions due by 31st August at the latest. At the Association's Annual General Meeting members decide on the subscription for the following year and elect a committee to ensure the purpose & objectives of its constitution are maintained.
- ❖ Membership is not available to any other individual/organisation.
- ❖ Owners wishing to let their property should ensure agents/tenants are advised of these rules and make arrangements for the subscriptions to be paid.
- ✎ Association committee members have authority to stop any activity in the gardens felt inappropriate.

ACCESS and KEYS

- ☺ All members, their families and their guests have a right of access to the gardens. Members are encouraged to use the gardens, to enjoy the facilities. However, members should always remember neighbours & other users of the garden.

- ☺ One key is issued to members; this should be retained by the householder and passed to any new owner if the property is sold. Additional keys can be obtained from an Association committee member on payment of a nominal charge. The gardens should remain locked at all times even when members are within.
- ☺ Residents who rent properties should consult their landlords if they do not already hold a key.

PLANTS & TREES

- ☺ Residents are encouraged to donate plants or amenities. Please do not plant directly in the gardens; contact a committee member if you wish to donate.
- 👉 Care should be taken with the plants and trees and flowers or shrubs should NOT be removed.

ACTIVITIES and GAMES, including BALL GAMES

- ☺ Members of the Association are encouraged to use the gardens for private functions but should comply with these guidelines. For further information, contact a committee member.
- ☺ Cycling is allowed for small children learning to ride, typically on tricycles; otherwise, cycling is not allowed.
- 👉 The gardens are not suitable for games played by adults and older children – these are prohibited because of the potential for damage to shrubs & trees, cars, etc that might result.
- 👉 Dogs are not allowed in the gardens, even on a leash.
- 👉 Music: The playing of music audible to other people is prohibited in the gardens, except with prior agreement of the Association [e.g. for a BBQ].
- 👉 Members will be held responsible for damage to persons or property arising out of their own activities or those of their guests
- ☺ All ball games involving a 'hard' ball - including football, bat-and-ball, tennis, cricket - are not allowed.
- 👉 All ball games played by younger children – involving only soft balls – should be monitored by responsible adults.

FAMILY & SOCIAL EVENTS, including Barbeques

- ☺ Members of the Association are encouraged to use the gardens for private social functions. For small informal gatherings, there is no requirement to notify the committee, but it can be sensible to enquire to ensure no double-bookings.
- ☺ For gatherings of 12 people or more, please inform the committee by emailing: reservations@learmonth-gardens.org.uk or make a reservation by contacting LGA Administration – contact info on newsletters and website.
- 👉 All functions should be **finished by 10pm**, to respect neighbours.
- 👉 Alcohol: please note there is NO LICENCE for the sale of alcohol in the gardens.

Barbeques

For a BBQ likely to have 12 or more people, please contact the LGA to reserve use of the gardens for a BBQ to avoid double-bookings. Email: reservations@learmonth-gardens.org.uk, or contact the LGA Administrator – contact information is on the LGA website and newsletters.



Please note: only portable/disposable BBQs are allowed. Flat-topped areas are provided atop walls to facilitate the setting up of your BBQ. PLEASE REMEMBER SENSIBLE SAFETY PRECAUTIONS: DO NOT PUT BBQs DIRECTLY ON BENCHES, SEATING, THE GRASS, etc AS THEY CAN BURN SURFACES. Also: ENSURE HOT MATERIALS ARE PROTECTED, TO AVOID THE RISK OF FIRE, BURNS etc.

There is no arrangement for tidying after any social function, or for removing litter etc – PLEASE ENSURE YOU TIDY UP AFTER ANY EVENT; PLEASE TIDY & REMOVE ALL DEBRIS AND WASTE.

Please follow these simple guidelines to ensure your BBQ is successful and the gardens are kept in good order:

- Check for any overhanging branches or shrubs before lighting any BBQ.
- Do not leave any lit BBQ unattended at any time; safety is your responsibility.
- Keep a watch on children, to avoid risk of injury.
- Avoid damage to the gardens; please report any damage to the Administrator.
- Remember to clear up any litter & debris and remove this from the gardens.

Seating

During events you may wish to move benches, e.g. to sunny positions, but seating must be put back to its original location(s) when you have finished. Some seats were donated to the gardens from residents who wanted the seats kept in specific areas [e.g. a commemorative bench to be kept in an area of the gardens that could be observed from the donor's windows]. Please be considerate to neighbours and move seating back to its original position before you leave the gardens.



Risk: and the Natural Environment of the Gardens

- 👉 The Association takes reasonable care to ensure the gardens provide a safe location, but the members also value a natural environment. All users should access & use the gardens with an awareness that a natural environment carries risks both within and around the boundaries of the gardens. The Association's guidelines attempt to set a balance between encouraging use of this superb common amenity and an underlying common-sense application of due care and attention when using the gardens. The LGA cannot be held responsible for injury to individuals or property through such use.
- 👉 The Association carries insurance to indemnify itself against 3rd party claims (e.g. from a branch falling on a car) but this does not remove the need for users to pay attention to potential risks and to take care.

Please enjoy your garden amenity but also remember to be considerate to the views of other residents.