

Residents Consultation Committee Discussion Document
Use of the Private Gardens
For discussion at the RCC 18 May 2015

It would be helpful for the BEO if the RCC could guide the way the private gardens are to be used by residents, their visitors and other occupiers. The BEO are frequently asked to carry out contradictory tasks about the use of the private gardens and we cannot satisfactorily answer all residents.

The key issues are the following:

Lease

The lease statesSchedule 6 (10) *“The Corporation reserve the right at any time to exclude from or restrict the use by any person of the gardens or premises of a public nature in or about the Barbican Estate”*

The legal advice confirms that the above would suggest that it's easy to stop long lessees using the gardens but there's a difficulty in enforcing this restriction and there would be issues with excluded people about whether they should be paying through service charges for the upkeep of a facility they've been excluded from.

Furthermore any such restricted access would need to have very good reason. It's the sort of provision which would be used where people are behaving in an offensive or illegal manner. There could also be Human Rights issues that could affect our ability to restrict access.

NB 85% of the costs of the private gardens are charged to the resident service charge account. The other 15% is paid by the City of London Corporation in recognition of the public amenity these provide.

Ball games

The designated area for playing ball games is within the Thomas More play area however ball games are played on both lawns by some garden users, examples range from a toddler kicking a ball with a parent, a group of young people playing football, badminton session with a net to an adult practising hitting golf balls.

Signage

Wooden signs advising “no ball games” were previously displayed in the flower beds at Thomas More lawn, over the years these disintegrated, temporary signage put in place was immediately torn down, replacement signs are on order. The “no ball game” signs at Speed lawn are affixed to a wall. Temporary

signs were used over previous summer periods and were attached to the entrance gates advising users to be considerate of others and that BBQ's are not permitted.

Barbecues

Barbecues are not permitted in the gardens on the Estate. In the past residents have lit barbecues in the garden and have been asked to stop by other garden users and estate concierge staff.

Children's play area

In the past the BEO have had requests from House Groups and residents living close to the play areas to install additional signage and to monitor and inspect the play areas. Main issue appears to be with young people under parental responsibility (up to 18) and ball games rather than the smaller children.

Parties

The BEO receive requests for parties on the lawns but do not give permission for large gatherings to take place on either lawn and are aware that on previous occasions gatherings have occurred on both lawns which have disturbed nearby residents.

Enforcement

The Barbican Estate Office does not patrol or "police" the gardens as it is not one of the services that are provided. If a complaint is made to either the office or a Car Park Concierge then it will be investigated and the person either asked to desist or quieten down (depending on the nature of the complaint), and if the staff member believes it warrants such action.

Gardens Advisory Group

The use of the gardens has been discussed by the Gardens Advisory Group. Whilst they realise the complexity of catering for such differing needs they are conscious that both Thomas More Garden and Speed Lawn may be due for a review in terms of the planting. It would seem sensible to consider this once the uses of the gardens has been decided upon and perhaps the planting can help to demarcate whatever areas/uses are decided upon by the RCC.

Playgroups

There are a number of playgroups on the Barbican Estate which include the following:

Bright Horizons City Child

1 Bridgewater Square

Operate 8am to 6pm Monday-Friday

The nursery has its own private garden and so do not use any of the Barbican Estate Gardens. The nursery is next door to Fann Street Wildlife Garden and on a small number of past occasions the Barbican Wildlife Group volunteers have on prior arrangement escorted small groups of children around Fann Street Wildlife Garden.

Newpark Childcare Centre

1 St Giles Terrace

Operate 7am to 7pm Monday-Friday

The group visit one of the gardens most days, sometimes twice a day (weather dependant) normally with around 12 children mostly residents, they would stay for around an hour. They use both Thomas More Lawn and play area and also Speed Lawn, they also make visits to other areas of the estate including the Barbican Library.

Barbican Playgroup

Level 01 and 02 Andrewes House

Operate 09.30-13.00pm Monday-Friday and in addition to this 13.00-14.45 Tuesdays and Thursdays. The group visit one of the gardens most days always in the morning, usually at 11.30am for about 20 or 30 minutes normally with 13/14 children mostly residents. Majority of the time they use Speed Lawn but they do also visit Thomas More and the play area.

Guidance sought:

The BEO and the Chairman of the RCC would like the RCC to make specific recommendations at committee on the following:

1. Ball games in designated areas; ball games outside designated areas
2. Balancing demands for quiet from some residents against others wishing to use the gardens for play or social activities
3. Larger social gatherings; private barbeques
4. Any specific guidance to the GAG on future planting schemes
5. Communication/guidance via (1) permanent signage, (2) temporary signage, (3) other estate-wide communications
6. Enforcement (bearing in mind that this is not currently a resident service provided by the BEO)