

Minutes of meeting of the Committee of the Bryanston Square Trust

Held by “Zoom” at 9am 6th April 20120 (Zoom Notice/Invitations - 4th April)

Present: Colin Wagman - Chairman
Peter Rosenthal
Emily Fletcher
Suzanne Goodman

Apologies: Denise Farley

Previous minutes posted on the Trust's website

1) Covi-19

The Chairman reported that he had checked the trust's insurance cover with the brokers and their response had been circulated to the Committee. While they confirmed that the Trustees' public liability (PL) cover was £10m for each and every claim which they confirmed covered Covid-19, the Trustees were obligated to act appropriately to ensure that risk was minimised, so that the brokers felt that the actions to close the garden was correct and that such carefully considered action should ensure that the PL cover was maintained. Clearly, a change to that decision without a change of legislation and government initiative might risk losing that cover.

After consultation with Westbourne Block Management Ltd (Westbourne) who had experience of trying to close play area in other spaces, it was noted that there appeared no practical way that the playground could be closed or removed. Non-compliance with the emergency legislation could lead to prosecution with fines and other action.

The latest news from Government was that those exercising should not use park benches and must strictly comply with “social distancing” which the Police were supervising in parks but the Committee had no means to enforce these rules. The suggestion that Notices would be sufficient was felt to be an inadequate response as a minority of users were not adhering to existing rules e.g. not to bring dogs into the garden. The risk of anyone transmitting this deadly virus was considered to be too serious to be left to individual discretion in a relatively confined and unsupervised area for the Trustees to allow, especially as all Trustees were at financial risk to a claim if it could be established that they had failed to comply with the law and the terms of the PL insurance policy.

Questions over the fact that other local spaces had remained open were raised. However, it appeared that some, as best one could see, might be acting in breach of the law and others did not have playgrounds so were not comparable but, in any event, there were numerous councils and other organisations that had also decided to close their garden facilities. The Committee had received just two written requests to reconsider the decision

to close the garden and had sent a reasoned explanation to both. Westbourne, Clerk to the Trustees, have also advised that in the light of the legislation and other professional advice that the Committee had received that they concurred with the decision to close the garden.

The Chairman had requested of those who had asked that the committee re-open the gardens for their constructive and legally-compliant proposals on ways to do so, but to date, no viable suggestions had been received.

After further discussion, with great regret, **it was unanimously agreed** to maintain the closure order that the Committee had already made.

2) Fox

The issue of the mangy fox that roams the garden had again been raised by a resident. It appeared not have a den in the garden but did appear there from time to time. **It was unanimously agreed** that Westbourne be requested to liaise with Westminster Council to urge them take such action as seemed appropriate.

The meeting concluded at 9:45am

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Chairman