Fitzroy Square Frontagers” & Garden Committee

Proposals for Governance Structure

1. **Corporate Structure:**
   1. The Fitzroy Square Frontagers & Garden Committee (“Garden Committee” or “Committee”) is an unincorporated association.
   2. Any Frontager that pays their annual garden levy is eligible to join the Garden Committee as a member or serve as a Committee officer
   3. Frontagers can declare their desire to join the Garden Committee to the Committee Chairman at any time.
   4. The Garden Committee shall have three officers:
      1. Honorary Chairman
      2. Honorary Secretary
      3. Honorary Treasurer
   5. The Garden Committee officers shall have a reviewable appointment with a three-year term. No officer shall stand for election for the same position for more than two consecutive terms.
   6. The Garden Committee officers shall be elected by majority vote of the Frontagers.
   7. The Garden Committee officers can be reviewed at any General Meeting, and may be replaced by majority vote of the Frontagers.
2. **Frontagers Individual Rights and Obligations:**
   1. The Frontagers each have the right to the “*free access at all times to and for the free use and enjoyment of. . . the centre area Garden or Pleasure Ground of Fitzroy Square in common with the other Owners occupiers and tenants of the Houses in the said Square and contributing to the maintenance of the same*.”
   2. Notwithstanding any other provision herein, neither the Garden Committee, nor any individual Frontager or group of Frontagers shall have any power (a) to restrict or abridge the Frontager rights identified in section 2.1 above without the consent of the Frontagers, or (b) to expand or increase the Frontager funding obligation identifed in section 2.1 above without the consent of the Frontagers.
3. **Powers and Duties of the Garden Committee:**
   1. The Committee shall have the following powers and duties regarding maintenance of the centre area garden or pleasure ground of Fitzroy Square:
      1. To develop and implement an annual plan for the maintenance of the garden and everything in it in accordance with the current garden design, form and function, which plan shall be presented to the Frontagers at a General Meeting for consideration and approval.
      2. To develop and implement an annual maintenance budget, which budget shall be presented to the Frontagers at a General Meeting for consideration and approval.
      3. To develop a garden levy scheme to fund the maintenance of the centre area garden or pleasure ground, which scheme shall be presented to the Frontagers at a General Meeting for consideration and approval.
      4. To account for funds received from the Frontagers and to ensure that they are properly spent on the maintenance of the centre area garden or pleasure ground.
      5. To ensue that the centre area garden or pleasure ground and every thing in it complies with relevant health and safety laws and guidelines.
      6. To take out public liability insurance to protect the Garden Committee members and officers, and the Frontagers against claims brought by users of the centre area garden or pleasure ground.
      7. To ensure regular inspections of the trees and other items in the centre area garden or pleasure ground with the potential to cause damage to users of the garden or the properties surrounding the garden.
   2. The Garden Committee shall have the following powers and duties in respect to administration of the centre area garden or pleasure ground of Fitzroy Square:
      1. To develop and administer a security and access scheme (e.g., lock and key), provided, however, any such access scheme shall allow Frontagers free access to the centre area garden or pleasure ground at all times.
      2. To preserve the physical integrity of the centre area garden or pleasure ground and to protect it from encroachment or unauthorized use.
      3. To develop and implement an annual operations budget, which budget shall be presented to the Frontagers at a General Meeting for consideration and approval.
      4. To implement proposals for changes to the design or form of the centre area garden or pleasure ground of Fitzroy Square approved by the Frontagers.
      5. To implement rules regulating the use of the centre area garden or pleasure ground of Fitzroy Square approved by the Frontagers.
      6. To organize General Meetings in accordance with Article 4.0 (General Meetings of the Frontagers).
      7. To organize such subcommittees as the Garden Committee deems appropriate or desirable.
4. **General Meetings of the Frontagers:**
   1. The Garden Committee Chairman shall provide each Frontager with written notice of any General Meeting at least 30 days in advance of the meeting. The Committee Chairman shall also post a written meeting notice at the garden gate 30 days in advance of any General Meeting.
   2. The Garden Committee Chairman shall organize an Annual General meeting every year, and in no event less than once every 18 months.
   3. Any Frontager may call a General Meeting by delivering a written request to the Garden Committee Chairman. Upon receipt of a written request for a General Meeting from a Frontager, the Chairman shall within 15 days call a General Meeting of the Frontagers, and such General Meeting shall be held within 45 days thereafter.
   4. At an Annual General Meeting, the following items shall be considered and determined by majority vote of the Frontagers:
      1. The annual maintenance plan for the centre area garden or pleasure ground of Fitzroy Square.
      2. The annual maintenance budget for the centre area garden or pleasure ground of Fitzroy Square.
      3. The annual garden levy scheme to fund the maintenance and administration of the centre area garden or pleasure ground of Fitzroy Square.
      4. Any proposals for changes to the design or form of the centre area garden or pleasure ground of Fitzroy Square that do not in any way restrict or abridge the rights of any individual Frontager to the free access to or the free use or enjoyment of the centre area garden or pleasure ground. If any Frontager reasonably believes that any proposal brought under this section 4.4.4. would restrict or abridge their right to free access to or their free use or enjoyment of the centre area garden or pleasure ground, such Frontager may object and such proposal shall be determined in accordance with section 5.1.1.
      5. Any proposals for regulation of the use of the centre area garden or pleasure ground of Fitzroy Square that do not in any way restrict or abridge the rights of any individual Frontager to the free access to or the free use and enjoyment of the centre area garden or pleasure ground. If any Frontager reasonably believes that any proposal brought under this section 4.4.5 would restrict or abridge their right to free access to or their free use or enjoyment of the centre area garden or pleasure ground, such Frontager may object and such proposal shall be determined in accordance with section 5.1.2.
5. **Items that Require Consent of the Frontagers:**

The following items shall require the consent of the Frontagers:

* + 1. Proposals for changes to the design or form of the centre area garden or pleasure ground of Fitzroy Square that could in any way restrict or abridge the free access to or the free use or enjoyment of the centre area garden or pleasure ground by any Frontager.
    2. Proposals for regulation of the use of the centre area garden or pleasure ground of Fitzroy Square that could in any way restrict or abridge the free access to or the free use or enjoyment of the centre area garden or pleasure ground by any Frontager.
    3. Proposals to use Garden Committee funds or to assess any Frontager a garden levy to fund any cost or expense other than for the maintenance of the centre area garden or pleasure ground of Fitzroy Square.