



The Institute's centenary has been celebrated during 2009. It culminated in a fund raising walk starting at Toynbee Hall via markets and canal walks to the Suburb and Central Square to the new East Finchley campus. Seen here, about to set off from Toynbee Hall some of the walkers who raised thousands for a new bursary for needy students

Letters to the editor

Asmunds Place, NW11 7XG

Sir,
You write (Suburb News, Autumn 2009) that, "in a surprise announcement", I told the Trust's AGM that I have the 200 freeholder's signatures necessary to challenge the 27% increase in the management charge for 2008-9 under the terms of the Scheme of Management.

What is the surprise about? That a group of us were able to collect 200 signatures to challenge such an increase? I am inclined to suggest that surprise on these grounds indicates a detachment from certain – less glamorous – aspects of the Suburb realities. The height of this detachment was eloquently expressed by Mr Mandell – the previous Trust Chairman – who explained the opposition to the graduation of the charge in terms of it leading to "the rich subsidising the not-so-rich".

I was reminded of this statement by comments I heard at the door-step. The vast majority, of those I spoke to, were from, puzzled to indignant at the 120% increase in the charge over the last four years and expressed deep concern as to where the charge was likely to be in four years from now; some old-age pensioners told me they had to limit their heating expenses to pay the Trust.

You also refer to the current Trust Chairman's surprise that the challenge to the Trust was not submitted to the London Valuation Tribunal (LVT) under the provisions of the Commonhold and Leasehold Act, 2002. This option is simpler and cheaper; Mr Walker says, given that the 2002 Act "is evidently designed with the purpose of making it easier to settle disputes of this kind." Well, Mr Walker and I share the experience of having led unsuccessful campaigns at the LVT but we have, seemingly, diametrically different conclusions. In my opinion the 2002 Act is not designed for disputes like those referred to in his application or mine.

Concerning the simplicity and low cost of the LVT option, though I do not know the cost to the charge payers of the campaign I led, I would remind Mr Walker that the cost of the campaign he led was put around £40,000, mainly on account of the Trust's legal expenses in opposing it.

Yours
Raphael Papadopoulos

THE TRUST RESPONDS:

Hampstead Garden Suburb Trust
862 Finchley Road NW11 6AB

Sir
I would like to comment on issues raised by Mr Papadopoulos' letter.

The Trust Gazette of May 2006 (p 6-7) explained why the Management Charge was increased:

(i) the Trust could no longer subsidise the Management Charge
(ii) effective operation required appropriate staffing, modern systems and improved accommodation

(iii) speculative property developers were contesting the powers of the Trust

Since that time, as reported in the Annual Report and at Annual General Meetings, the Trust has implemented reforms and its concern about legal challenges has been realised.

Public spaces, communal gardens, roads and allotments managed by the Trust need care and repair. The cost of works is met by residents who have access to the spaces but the Trust now employs an estate manager to organise the work. There is a great deal to do, but early results can be seen at Sunshine Corner and at allotments, Trust-owned roads and communal gardens across the Suburb.

The Trust has collaborated with Barnet and residents in a major exercise to revise the Design Guidance for the Suburb.

The Trust is, at the time of writing, awaiting the outcome of a crucial legal action brought by a developer. If the Trust is successful and the developer is

required to pay the Trust's costs, there will be a credit to the Management Charge. Meanwhile legal costs are a significant but necessary element of the charge.

Because of the uncertainty of legal costs, expenditure varies considerably from year to year but the Scheme does not provide for a "sinking fund" to even out fluctuations. Nonetheless the Trust accepts that variations should, as far as possible, be minimised and that expectations about the charge should be set and met.

After two years of the new charge in 2008 the Trust announced that it expected the charge to fall in the range between £80 and £140 in 2008 prices for the foreseeable future. The billed charge for 2008/2009 was £110 and the amount actually expended was £104.

In September 2009 the Trust Council narrowed the expected range to between £90 and £140 in 2009 prices. The charge for 2009/2010 was £118; actual expenditure is yet to be determined.

In cases of hardship the Trust will accept payment in stages or, where appropriate, refer residents for consideration for charitable or government assistance.

Whether the charge should be graduated according to size of property is a matter on which the current Trust Council has publicly stated it cannot take a position.

The very recent poll organised by the Residents Association produced a low level of response with no overwhelming majority on either side of the debate.

The level of the Management Charge is necessary to maintain the character and amenity of the Suburb. When the 2005/6 charge was challenged at the Leasehold Valuation Tribunal (LVT) the Tribunal ruled that the charge was reasonable, properly calculated and applied.

The Trust welcomes inquiries about any aspect of the charge and hopes that discussion will make resort to the LVT unnecessary. Nonetheless the LVT provides a relatively inexpensive way of resolving disputes. The alternative process, the appointment of a surveyor, has now been set in motion by residents. Appeal from a decision by the Surveyor would be to the LVT. Costs arising from either process are included in the management charge.

Yours
Jane Blackburn
Trust Manager

Erskine Hill, NW11 6EY

Sir
The recently installed gates, 2 pairs, at 25 Asmunds Hill have, I am told, the complete blessing and approval of the Trust. There is no precedent for this design of gate in the Suburb and in particular within the 'artisan' quarter. The overhead structure to the newly formed opening in the hedge would be more at home at the entrance to the Chinese quarter in Soho.

In contrast, the owners of 27 Asmunds Hill have fitted a new gate which is in complete accord with other gates in the neighbourhood.

We, the residents, should be able to rely on the Trust to maintain the unique character of the Suburb, in this case, and not for the first time, have been let down.

Yours
Ivor Hall

THE TRUST RESPONDS:

Hampstead Garden Suburb Trust
862 Finchley Road NW11 6AB

Sir,
I write in response to Mr Hall's letter. The Trust felt that the gates that were approved were designed in sympathy with the property. No. 25 is the only double fronted house in Asmunds Hill and the lane to the side leads to an orchard. The new timber gate to the lane replaced an unsightly steel gate. The central gate to the front door is a reinstatement of the original access and the Trust felt the modest pergola over the gate was acceptable in this unusual case. The owner intends to grow climbers over it. Once the new gates have weathered in they will look better.

Yours
David Davidson
Trust Architectural Adviser

Wildwood Rise, London NW11

Sir
I was shocked and appalled to hear about the forced removal of my friend and colleague Derek Epstein from the Chairmanship of the Conservation and Amenities Committee (Consam) of the Residents Association.

I wish to express my wholehearted support for Derek who has selflessly, passionately, and very effectively, devoted his time and efforts to defending the interests of the Suburb and its residents.

As the former Chairman of the Residents Association I must state that I would not have allowed this action to take place during my tenure. I believe that the manner in which the removal took place was against the traditions of the Suburb and against the traditions of any residents association in a democratic society. It is shocking that all plans to remove Derek were carried out surreptitiously and behind his back.

Derek was sent a letter telling him to resign, which is in itself an insulting gesture. When he did not immediately resign, in fact, only a few days later, a motion of no confidence was proposed at a meeting of the Committee and forced through by those five members who were determined to oust him. It is shameful that the Residents Association Council, which could have overruled this motion by its sub-committee, made no attempt to do so.

Derek may not have been in agreement with certain members of Consam on some issues. However, disagreement should never be a reason to oust a member of a committee. On the contrary, it is our tradition to not only allow, but also encourage the voice that does not always express our own sentiments. Derek suggested a meeting with his detractors in April 2009 to try and resolve matters but was spurned.

The Suburb has lost an esteemed member in Derek Epstein and is much the poorer for having allowed his removal to take place. The memory of this event will not be quickly erased and will convey a message that silence and acquiescence are preferable to standing one's ground for one's

beliefs and the beliefs of the founder of the Suburb, Dame Henrietta Barnett.

Yours
David B. Lewis

Richmond, Surrey

Sir,
I've recently been browsing through a large stack of Suburb News dating back to 1984, which were collected by my late mother, Eileen Ambrose.

Having grown up in the Suburb I was interested to read news of people and places that I grew up with.

Something which comes across very strongly is the HGS community spirit – the large number of public events and interest groups, and the interest people take in their local environment.

By keeping residents informed about what is going on and what other residents are doing, I feel that Suburb News probably plays a very important role in developing and sustaining that community spirit.

I noticed that you have been editing or publishing the paper, and writing quite a lot of the articles yourself, since 1984 and probably longer, and I felt that someone should thank you for doing so. Current residents may not realise what a huge amount of time and effort you've probably put in over the years, but when you see a very large pile of back numbers it becomes very clear.

So thank you! I look forward to reading future editions when I visit my father.

Yours
Deborah Young

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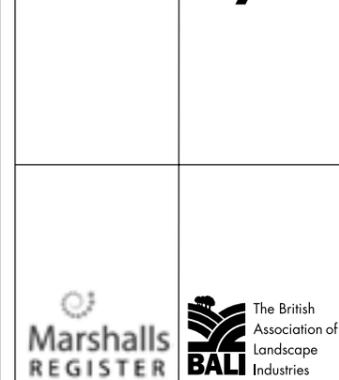
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