

# SUBURB NEWS



The Newspaper of the Hampstead Garden Suburb Residents Association

OCT '83

## WHY THE RA BACKS TRUST

In these difficult times no one likes to be asked to pay more without understanding why and being sure of getting value for money. So the Trust's increased charges to freeholders under the Scheme of Management have caused something of a shock and prompted a lot of questions.

### Critical

No one is going to argue that there is no need to protect the special character of the Suburb. That is not the issue. The issue is whether it would be adequately protected if a body specially entrusted with that function did not exist.

Whatever the technical position regarding Barnet's powers as against the Trust's, the evidence suggests that the answer must be no. With the best will in the world Barnet, with its wider responsibilities, cannot have the detailed concern for the architectural heritage represented by the Suburb and for its amenities which a body specifically entrusted with that responsibility is bound to have. Indeed it is an undoubted fact that had the Trust not obtained a Scheme of Management many undesirable alterations to freehold properties for which Barnet gave planning permission would now be defacing the Suburb landscape. The case of the Odeon site is one of the most obvious. And the need for an independent watchdog with powers of its own is likely to become greater, not smaller.

We're not saying that the Trust does its job impeccably. On the contrary, the RA has been sharply and consistently critical of its performance. But the question is: what would happen if it wasn't there? Even some of its harshest critics are among the first to clamour for it to take action when they're personally affected.

But for the Trust to be effective it needs to be adequately financed. It's an unfortunate fact that the device included in the Scheme of Management as approved by the High Court in 1974 to enable the fee to be adjusted to take account of inflation and other rising costs did not prove workable. That's why the Trust had to go back to the High Court to seek a variation in the Scheme of Management. And the high legal costs of that action, and of others arising from individual cases, are what accounts for much of the proposed steep rise in this year's fee.

### Voluntary

Why, then, the backdating of the increased fee to 1979? Simply because 1979 was the

date originally fixed by the High Court for the first review of the level of the fee. If the High Court, in its recent judgement, had failed to backdate the increase the Trust would be even more in the red than it already is. And apart from anything else the High Court recognised the need for backdating because 60% of the freeholders had voluntarily been paying increase fees since the end of 1979 to help the Trust survive.

So why are the freeholders the only ones to be asked to pay? Because the Scheme of Management only applies to freeholds. That's what it was created for. And the Trust is careful to charge freeholders only that portion of its costs which applies to them.

### Appeal to leaseholders

However there have been important developments in the last few weeks. The Trust has just completed negotiations with Ashdale for an increase in their contribution to its costs in respect of leaseholders and open spaces, and the Trust will now be asking for voluntary contributions from leaseholders, since under the Leasehold Reform Act of 1967 it cannot require them to contribute. It will be urging leaseholders to respond to that

appeal for the sake of the Suburb and in a spirit of fairness to freeholders.

### RA role

What has been the role of the RA in all this? It has taken the view, agreed after prolonged discussion by its Council and scrupulously reported to all residents, that the first priority must be to ensure the Trust's survival in the immediate future. At the same time it has consistently pressed the Trust to improve its performance. To that effect it made it a condition of its support for the Trust's application to the High Court that it should implement the recommendations of a working party jointly set up at the RA's initiative to propose ways of making the Trust's operations more efficient. Some of these recommendations have been carried out, though a lot more needs to be done. The appointment of an Estate Manager should be part of the answer. But it's no answer to suggest that the Trust can be dispensed with or reduced to the role of a benevolent and toothless watchdog. That's the best way of ensuring that the quality of the environment in the Suburb goes down the drain. And it would. Make no mistake about that. GEHM

## FREEHOLDERS' CHALLENGE

At a meeting of some 200 Suburb residents in the St Judes Church Rooms on September 13, Victor Hugo and Robert Walker were elected co-chairmen of the newly formed Hampstead Garden Suburb Association of Freeholders.

Before explaining the aims of the new Association, Mr. Hugo outlined the background to the Trust, and the scheme of management, and maintained that a situation had arisen whereby, from the freeholders point of view, "Justice is not only not being done, it is being flouted". The fact that the original scheme, and the then annual charge on freehold properties of £2, encountered no effective opposition was "no ground for the unjust and unlimited burdens now being inflicted on us". It was surely unfair, he said, when one third of residents are "being subjected to what amounts to a growing discriminatory taxation".

Commenting on the judgement given for the Trust by the High Court, granting the application to vary the Scheme

of Management last February, Mr. Hugo said "This was a judgement of expediency and despair; it has nothing to do with justice".

Mr. Hugo urged those present, who had not already done so, to join the Trust Company and proposed that there should be a call for an Extraordinary General Meeting at which a motion would be put that would have the effect of limiting future charges to freeholders to half their original ground rent.

Following discussion, during which it was pointed out from the floor that this would very quickly so reduce Trust income that it would be back to its pre-judgement situation, Mr. Caplin's proposal, to add to the motion a phrase to the effect that the limit on future charges

would stand only until a more equitable arrangement for leaseholders to contribute, had been put into effect, was adopted.

Mr. Moskovits asked whether the meeting wasn't confining its concern too narrowly to the financial implications. Wasn't there a greater danger in the loss of the Trust as the Suburb's watchdog? Mr. Hugo maintained that Barnet Council had all the powers needed to safeguard the Suburb.

Douglas Blausten called the meeting well meaning but divisive and ignorant and said that, whilst he was highly critical of the Trust, what was needed was greater involvement of the younger generation to force the Trust to be much more effective in stopping the Suburb falling into decay.

Mr. Hugo asked what could be more divisive than a system of charging management fees to only one third of residents. Mr. Hugo and Mr. Walker were nominated as candidates for the next Trust Council election.

The meeting was convened by P.I. Herman, V.J. Hugo, A.J. Parfitt and R.D.J. Walker.

RJW

## Oakwood appeal

The appeal of the owners of land adjoining 38 Oakwood Road against Barnet Council's refusal of permission for a house and garage, has been disallowed by the Inspector, Mr Edward Seymour MRTPI.

The decision followed a May hearing at Hendon Town Hall at which the Council was supported by the Residents Association, the New HGS Trust and some twenty residents who attended the hearing.

RA Chairman, Gerry Mansell, said at the hearing "The Association fully backed the opposition by neighbouring residents and was also concerned on grounds of strong public interest about the danger to the quality of the Suburb as a whole". RJW

## LATE NEWS!

An apology is due to residents of Gurney Ward who, despite our best endeavours to distribute the July issue quickly and efficiently, had to wait until September for theirs. Needless to say this was in no way the fault of the voluntary distribution service to whom grateful thanks. Some distributors still have to cover too many houses. The organiser Douglas Jobson would be grateful for offers of assistance on 4556957.



## SUBURB HONEY

Almost any gardener in the Suburb can claim to have contributed in some small measure to the honey crop that is the pride and joy of the family home in Hampstead Way.

It was the unusual sight of a huge swarm of bumble bees, in the garden next door to King Alfreds, for a bee keeping course with Taylors, the specialist firm in Hertford-

shire, and Sam is now producing Hampstead Garden Suburb honey for sale from two hives in the garden of the family home in Hampstead Way.

Bees roam up to three miles from the hive so we may all have seen Sam's that first got Sam excited about bees. Much reading and some days off school, privet flower, the bees like it but it imparts a bitter taste to the honey".

RJW

## EXECUTIVE HOMES

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