



Susie Gregson and Nic Chalmers celebrate this year's success of the Proms at St Jude's

Jonathan Ross judges the scarecrow competition at the Horticultural Society's Centenary celebrations



# Suburb News

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## Trust charge challenged

In a surprise announcement at the Trust AGM on 16 September Dr Papadopoulos of Asmunds Place told members he had the necessary 200 freeholders signatures to invoke clause 7 of the scheme of management and force the determination of the 2008-9 charge by an independent surveyor. Dr Papadopoulos led

an unsuccessful attempt to challenge the charge at the LVT in 2006.

Trust chairman Angus Walker has told Suburb News since the meeting, "This is potentially a very expensive approach. When taken in 1984 it cost management charge payers eight thousand pounds, a sum that would be much greater today.

It is not yet clear why it was decided not to challenge the charge at the Leasehold Valuation Tribunal under the provisions of the Commonhold and Leasehold Reform Act. Section 159 of the 2002 Act gives the Tribunal the widest possible powers and is evidently designed with the purpose of making it easier to settle disputes of this kind. An application to the Tribunal requires only one signature and would make it possible to consider the complaint at much less cost to management charge payers.

All the expenses incurred by the Trust in dealing with such an application are part of the costs of operating the Scheme of Management and, as such, are

recovered from Management Charge payers. The approach proposed in this application would put the Trust in the uncomfortable position of being obliged to bill charge payers for expenses that it could not control."

Earlier a crowded meeting heard from the chairman of the continued improvement in the Trust's finances the state of which, only five years ago, had necessitated taking a mortgage on the Trust offices. He said it was due in part to the fact that the management charge is no longer subsidised from Trust reserves.

John Freeborn was supported by several other members when he said that the charge represented good value. The report and accounts were adopted with one vote against.

Angus Walker paid tribute to Wilfred Court on his retirement after many years service as Trust architect, then appointed trustee and vice chairman.

He had been Trust architect in the 80s and his unrivalled Suburb knowledge had been

*(continued on page 2)*

Trust Gazette extract

### Effect on the level of a Management Charge of £100 per freehold if it were linked to Council Tax Bands.

Council Tax Band	No of Freehold Properties	Approximate Management Charge
A	2	£40
B	25	£47
C	61	£51
D	173	£64
E	309	£74
F	409	£88
G	1235	£101
H	1092	£121

Source: Trust staff calculations

## Institute chairman resigns

After 17 years as chairman of the Hampstead Garden Suburb Institute, Malcolm Davis has decided to step down. He is not available for comment as Suburb News goes to press, but it is thought that he feels that with the Arts Centre up and running and a new principal in whom he has every confidence, now is the

time for someone else to take over. Tom Jupp OBE, ex principal of the City and Islington College, a Cripplegate Foundation governor and an NRDC Adviser has agreed to act as chairman for the time being. He has praised Malcolm Davis for his leadership through 17 years of steering the Institute through very difficult times.



## An urgent letter from the Residents Association



Dear Resident,

September 2009

Over the last few years, there has been a debate about the manner in which the management charge is levied on freeholders by the Hampstead Garden Suburb Trust. As part of its mission to support residents of the Suburb, the Hampstead Garden Suburb Residents Association has organised this poll as a service to residents to enable them to express their collective opinion on the topic.

### Do residents want to change the management charge levied on freeholders to one based on property value?

In August 2006 the Hampstead Garden Suburb Trust published in its Trust Gazette the chart reproduced on the left hand side of this page which explained the effect of a potential change to a progressive charge (one which increases with the size of property) from the current uniform charge (one which is equal for all freeholders). Subsequently the then trustees of the Trust decided not to go ahead with the proposed change. As a result an application was made by more than 500 residents to the Leasehold Valuation Tribunal to attempt to force a change to a progressive charge. The Residents Association supported the application by resolution at a Council meeting. The Trust opposed on the grounds that larger properties should not subsidise smaller properties and the Tribunal eventually rejected the application on the grounds that they could not distinguish between the two types of charge in terms of 'reasonableness'.

### This would not prejudice a further approach to the Tribunal

The Tribunal said that its decision to reject the application, which was made under s.159 of the Commonhold and Leasehold Reform Act 2002, would not prejudice a similar application for a variation in the Scheme made under paragraph 11 where the criteria for approving such an application are different.

### Trust is neutral

The current trustees of the Trust have a neutral position with respect to such an application. The Trust must act in the interests of all its members and may not take sides in a dispute where, in either case, the income to the Scheme of Management would be the same whatever method of charging was to be adopted. It follows that the Trust would not resist any application to the Tribunal for a variation in the way that the management charge is levied.

### Tribunal requirement

The Scheme of Management provides that if the Tribunal were to receive an application supported by one third of the freehold property owners then the Tribunal would be bound to consider it.

### Your vote is important

Freeholders are urged to express their opinion by completing and returning the form below. The views of residents who do not pay the management charge directly, such as those living in flats where the landlord is the freeholder, are important, as are the opinions of leaseholders, because leaseholders might enfranchise in the future.

It is possible that some management charge payers may canvass in the Suburb either for or against such a change. It should be understood that neither the Residents Association nor the Trust is responsible for views that may be expressed by such canvassers.

One vote per freehold owner is invited as are the views of leaseholders and indirect charge payers. Please do use the form to let us have your views. Thank you in advance.

Chairman, HGS Residents Association

## Caring, Competent & Committed

Our experience spans over 30 years and contrary to popular belief, we sell much of the middle to lower priced property within Hampstead Garden Suburb. There is no magic at work here. We are totally committed and are known to achieve handsome prices for two main reasons:

**Firstly**, because we deal with buyers trading up as well as down in price range, the latter of whom usually have fulsome budgets.

**Secondly**, we regularly deal with monied purchasers from outside the area who have grown used to even higher priced property in Central London and believe that the Suburb is not only leafy and desirable, but good value.

"We are passionate Suburbites and we eat and breathe the Suburb, it is in our blood and we treasure its heritage."

Most importantly we understand that your home is your sanctuary and is probably one of the largest assets in the family and therefore a sale/purchase needs the tender care of dedicated and sensitive professionals who are skilled at this important task.

We are at your service.



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To express your views on the HGS Trust management charge procedures please complete, sign and return this form.

Tick box as appropriate:

- I/we support a move to a progressive management charge related to council tax bands
- I/we support the same management charge for all regardless of tax band (ie no change)

Delete alternatives below as appropriate:

- I/we wish/do not wish our vote to be used in support of an application to the Leasehold Valuation Tribunal to change the basis on which the management charge is made
- I/we are freeholders / indirect management charge payers / leaseholders

NAME (BLOCK CAPITALS)

ADDRESS (BLOCK CAPITALS)

SIGNED

DATE

Send the completed form to the Hampstead Garden Suburb Residents Association  
c/o Hampstead Garden Suburb Trust, 862 Finchley Road, London NW11 6AB