

Concerned Residents Group
c/o Raphael Papadopoulos
Asmunds Place, NW11 7XG

Dear Sir,
A meeting was convened on 5th December 2010 by the Concerned Residents Group. Four main concerns were raised and discussed:

1. The escalating costs of the Management Charge.
In 2004-05 the Management Charge for the freeholders was £47. In 2009-10 the Trust are charging freeholders £127. The increase from £47 to £127 in 5 years corresponds to an unprecedented 34% average annual increase. This trend would bring the charge to £350 in 2014-15. The meeting also noted that a doubling of Trust staff – with substantial increases in salaries and overheads – had taken place at a time of recession.

In 2009 the Concerned Residents Group challenged the 2008-09 charge of £104 (a 27% increase over the previous year), using the only right freeholders have to oppose the charge.

An independent expert, Mr Eamonn Malone, was appointed by RICS (the Royal Institute of Chartered Surveyors) to settle the dispute. Without waiting for Mr Malone to conclude his task (due for completion in Jan 2011), the Trust again increased the disputed amount, this time by 21% to £127 for 2009-10. To oppose that demand a further objection bearing signatures of 420 freehold residents was delivered to the Trust office.

At the December 5th meeting, a few voices defended the increases on the grounds they were necessary to enable the Trust to operate the SoM. However, the great majority of attendees found the increases alarming and were sharply critical of the Trust's recent practices.

2. The way the SoM is accounted for and the lack of transparency. The Scheme of Management stipulates that the accounts of operating the scheme should be held 'in a separately designated bank account containing no other monies' [Scheme of Management, paragraph 13 (a)] This is not currently the case, the accounts of the Scheme of Management - the charity side of the Trust company - being merged with the accounts of the profit-making activities of the Trust. The Trust does not publish the accounts of the scheme of management as such. This lack of transparency in the accounts makes it impossible for discerning freeholders to assess the reasons for the drastic increases.

Some 3,500 individual freeholders are legally obliged to pay the annual Management Charge, yet the Trust does not pay the full Management Charge in respect of the 1,200 or so non-enfranchised (i.e. leasehold) properties of which they own the freehold themselves. This does not accord with the Scheme of Management.

3. Lack of accountability
Currently most of the cost items are charged to the freeholders' contribution, in a prevailing proportion of roughly 80% against 20% to the general fund (which holds the Trust's reserves) a proportion which varies arbitrarily from year to year.

Most freeholders present objected to the fact that they, who contribute the most to the management charge, are not consulted on why and how their money is being spent and recorded in the Trust's accounts.

4. Freeholders' presence at the Trust Council .

The meeting agreed to create a steering committee to look into ways of organising the Group on a

formal basis and to put up candidates, with long-standing knowledge and experience of the Suburb and the work of the Trust, to represent freeholders at future Trust Council elections.

The fundamental reason the Trust was put in place is still very much supported, but the wish was expressed by most at the meeting that the Trust, in its monopoly position, should be more accountable and transparent in its financial operations, less autocratic and more cautious in its use of funds.

Yours
The Concerned Residents Group

Hampstead Garden Suburb Trust
Finchley Road, NW11 6AB

Dear Sir
The Trust would appreciate the opportunity to reply to the letter which apparently represents views from a meeting held by 'Concerned Residents' on 5 December.

The Trust's offer to send a representative to the meeting was rejected by the organisers, so those attending were denied the opportunity to hear the Trust's point of view.

The letter from 'Concerned Residents' is misleading. It is based on a series of misconceptions and contains serious misrepresentations. The truth is:

1. The Trust has stated clearly in writing on several occasions that no significant increase in the management charge is anticipated in the foreseeable future.
2. The charge for 2009/2010 was £125.80.
3. The estimated charge for 2010/2011 is £119.20.
4. The Trust Council has stated a range of £100-£140 (subject to inflation) within which it expects the charge to be maintained for the foreseeable future.
5. The suggestion promoted by 'Concerned Residents' that the charge might rise to £350 in 2014 is without foundation and is made in despite of assurances given by the Trust in every year beginning with 2008.
6. The Trust's accounts, including accounts for the Scheme of Management, are published each year and are independently audited. There is nothing arbitrary about the charge; it is made up of the Trust's audited costs in operating the Scheme of Management that keeps the Suburb special and is consistent with the analyses published by the Trust since 2005 when it ceased to subsidise the management charge.
7. The Trust complies fully with the Scheme of Management and has demonstrated this compliance when previously challenged through the courts by Mr Papadopoulos and other members of 'Concerned Residents'.
8. The determination of the charge for 2008/2009 by an independent Surveyor appointed at the request of 'Concerned Residents' is awaited.
9. Freeholders do not pay any of the Trust's costs associated with leasehold properties, they are paid from the Trust's own funds.
10. All four members of the Trust Council elected by residents are freeholders.
11. 'Concerned Residents' are welcome to put forward candidates for election, and did so last September.
12. Any resident concerned about any aspect of the charge is welcome to contact me at the Trust office to discuss matters.

The Trust exists to keep Hampstead Garden Suburb the special place that it still is. Most



residents tell the Trust that they consider the charge reasonable in support of the Trust's work.

'Concerned Residents' should accept the Trust's open invitation to discuss the basis for the charge and refrain from spreading misinformation.

Yours
Jane Blackburn, Trust Manager

Suburb News has always said it will publish views that are at variance with those of the Residents Association which is why we publish the letter below despite the fact that it repeats many of the points made in a previous letter from Andrew Botterill in an earlier issue.

North Square, NW11

Dear Sir,
A Different View
The Walker, Duran, Wakefield and Marriott Buildings. There's a certain ring to it.

Will admirers of the new wings to Henrietta Barnett School join me in urging the Head to name the buildings after the resident HGS Trustees who approved them? Lasting gratitude by the School is certainly due for these much needed facilities. Gratitude not so much to the Borough of Barnet which was expected to give permission for its own flagship school. Not so much to the non resident externally appointed Trustees who spend the equivalent of 2-3 days a year in the Suburb. Not so much to the Lutyens Trust whose paid advisor Mervyn Miller (also Lifetime President of the HGS Trust) recently recommended the demolition of Athlone House on the Heath. But surely gratitude is really due to the four resident Trustees who with their presumed feel for the Suburb could have overturned the plan – but chose not to. They could have refused it, pointing to the clash with the surrounding listed Lutyens architecture – but chose not to. They could have pointed to their central legal obligation to protect the character of the Suburb – and this is the jewel in the crown – but chose not to. They could have endangered the project by insisting – as any other equivalent body in the country would have done – on proper consultation, on exhibitions with alternative designs and siting by different architects – but they chose not to. The trustees could have pointed to their much publicised 'Design Guidelines' (here clearly and massively breached) – but they chose not to. There are indeed many reasons for the School to be thankful.

Some residents hold a different view. Two years ago, at an RA AGM, I characterised the plans as 'Travelodge meets Little Chef'. Some felt this was unfair to those great British institutions. Now one senses a touch of Fascism, a touch of Rangoon High Street. However you describe the wings, it's a disaster for the Suburb. Not only has the harmony of Lutyens' Central Square

architecture been damaged for ever but both nearby and distant 100 year old views have been destroyed, the Square shut in and the carefully planned vistas at the tops of Northway and Southway ruined.

Why does all this matter now the irreparable damage is done? First because residents need to guard against the Trust's continuing instinct for development of open spaces at the heart of the Suburb. Many will remember its philistine plan 6 years ago to uproot ancient oaks on the Sub Station plot on the Northway corner to erect a mundane private house. 820 residents' written protests stopped that but there is still much open space for the Trust to fill in.

Secondly because it should prompt the question: is the Trust fit for purpose? There is already discontent at the unfairness of this largely undemocratic body using freeholders as a cash machine for anything it likes. Small mistakes are unavoidable but an error of this magnitude is unforgivable, the decision process here was completely flawed – and still the Trustees put themselves up for re-election! Environmental damage like this is permanent. Why did the Trust not insist on siting the buildings down the hill near Bigwood House, leaving

Lutyens and the open layout undisturbed? The design would have mattered less.

Thirdly because one might query the continuing right of the Trust to demand that residents adhere to its Design Guidelines with their small alterations when it has with breathtaking hypocrisy driven a massive coach and horses through them on Central Square – all in support of a non resident institution (only a tiny minority of girls come from the Suburb).

And where has the body set up to look after residents' interests been in all this? Well, The Wakefield Building could be seen as a token nod to the Residents Association too. The School should wish to thank the RA which, after a series of secret meetings with the architects earlier on, agreed to a strategy of restricting early local consultation to a tiny number in order to 'push the thing through'. Thank goodness the RA turned a blind eye to its constitutional duty to inform residents and champion their concerns.

Perhaps a similar project wouldn't be greeted again with such blind enthusiasm by the RA. Prompted by criticism over this episode, it has embarked on a program of reforms and maybe in

future will become less of a Trust mouthpiece and more supportive of residents. Is the publishing of this piece a sign?

So, write in to the School. Whatever people think of the buildings, they're surely united in the wish to remember the names of Walker, Duran, Wakefield and Marriott.

Yours
Andrew Botterill

Erskine Hill, NW11 6EY

Sir
Now that the wraps have been removed from the new extensions to the Henrietta Barnett Girls School one realises how unfortunate it was that the school were unable to finance the van Heyningen and Haward scheme of 2002 which was illustrated on the front page of Suburb News Winter 01/02.

Yours
Ivor Hall
(See above. Ed)

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