

**THE NEW HAMPSTEAD GARDEN SUBURB TRUST LIMITED
ANNUAL GENERAL MEETING HELD AT THE FREE CHURCH HALL,
NORTHWAY, NW11, AT 8 pm ON WEDNESDAY 13 SEPTEMBER 2006**

Present: Dr Mervyn Miller (President)

Mervyn Mandel (Chairman)
Phillipa Aitken (Trustee)
David Bogush (Co-opted Member of the Council)
Simon Hurst (Trustee)
Wendy Miller (Trustee)
Richard Wakefield (Trustee)
Charles Zeloof (Trustee)

Jane Blackburn (Trust Manager)
David Davidson (Architectural Adviser)

84 Residents and Members

Apologies Wilfred Court

Marion and Stuart Goring
Joyce and David Littaur
Martin J Benn
Dr and Mrs Sheridan
Mr and Mrs Kemp
Alan and Eva Jacobs
Mr T Brooks
John Boulter
Eileen Whelan

Introduction

The Chairman welcomed everyone to the thirty-eight Annual General Meeting of the New Hampstead Garden Suburb Trust and introduced himself, his fellow Trustees, the Trust Manager and the Trust's Architectural Adviser.

He thanked the various volunteers who had helped the Trust in the past year and said that, although it was possibly invidious to single out individuals for mention, the Trust was especially grateful to Andrew Botterill, Judith Chaney, Steve Morris, Mervyn Unger and Angus Walker for their help in improving the performance of the Trust.

The Trust was especially grateful for the unflagging hard work of the staff. This year three long serving members of the staff, Jane Wood, Nevill Hewitt and Patricia Craggs, are retiring or moving to work elsewhere and the Trust wanted to thank them and to wish them well in the future.

It had been a difficult year, but one in which a good deal had been achieved through the team work of the Trust Council, volunteers, staff and residents. As

everyone would be aware we live in a unique area which is threatened by its own success. Property prices were very high and a great deal of profit could be made from over developing individual plots. But over-development across the Suburb would damage the whole, remove the qualities of greenness, spaciousness and careful design that we enjoy. In the long term, it would degrade and down-value both the environmental and the monetary value of everyone's assets. The Trust was charged with protecting the Suburb against this fate.

At last year's AGM the Chairman had spoken about the ways in which the Trust needs to change to respond to the challenges of the present by:

- increasing resources
- improving communications
- becoming more effective.

In the last year those changes had got underway. Thanks to support from our volunteers the Trust had its own website and three editions of the Gazette had been produced and distributed. Trust staff were working with the Residents Association on improving the effective communication and operation of the Trust's planning application process. Accounting and record keeping systems were being modernised and made more efficient. There was improved liaison with the local authority, both officers and ward councillors. The Trust had, crucially, increased the Management Charge. Change made waves and caused concerns. The Trust Council and staff were there to discuss those concerns and to answer questions. There was also a need to look to the future and the Chairman wanted to say a little about that too.

It was 102 years since the first Hampstead Garden Suburb Trust had been set up. It was 99 years since the first brick of the first house on the Suburb had been laid. It had survived two world wars, concerted efforts to overthrow it, revolutions in government housing policy, several volumes of legislation and a variety of transformations of its constitutional form. It had a history that reflected the social and demographic changes of a century of London's history.

The Trust was sometimes accused of being preoccupied with the past. The Trust's purpose was to preserve the character and amenities of the Suburb. It could not do this without retaining a respect for the past and for the intentions of its original planners and architects.

Every year the Annual General Meeting looked back to consider the stewardship exercised by the Trust over the past twelve months. It was essential to consider publicly the Trust's progress and for the Council to account for its performance. Much of the time at this meeting would be devoted to considering questions about the Trust's actions and its finances over the last financial year.

Considerable progress had been made in reviewing accounting procedures and the way in which costs were allocated between the Scheme of Management and the activities of the Trust itself. The Trust no longer subsidised the Management Charge. Because the consequent increases in the charge obviously bore more heavily on the owners of small properties the Trust was preparing an application to the Leasehold Valuation Tribunal for a change to the Scheme of Management that made it possible to apply the charge according to the relative value of individual

properties. The views of all those affected by this change actually and potentially — and that includes all leaseholders — would be sought by the Leasehold Valuation Tribunal but the Trust itself continued to welcome views on this proposal in addition to those it had already received.

The Trust had been successful in defeating a number of proposals for major development that would have seriously and adversely affected the Suburb's appearance. These schemes would, if allowed, have created damaging precedents for future changes in the Suburb.

In addition to reviewing the past year, the Chairman said that he would like to share some thoughts about the future.

In spite of criticisms it had never been the intention of the Trust to preserve the Suburb as a museum preserves things, unchanged. If preservation in this strict meaning were to be the Trust's task, it would be an easy one. It would simply strive to prevent any change of any kind. Such an objective would be clearly absurd. In a hundred years on the Suburb social behaviour, religious beliefs, forms of entertainment, patterns of education and leisure, means of transport, household management, shopping and ways of earning a living, energy sources and even climate had all been transformed. The places where people live and their surroundings had to adapt to these changes - sometimes in subtle, sometimes in more obvious ways — and sometimes these changes presented unresolved problems.

The Trust's policy on planning applications in the Suburb had striven to find a way of accommodating requests for change without damaging the character of the Suburb.

Of the 200 plus planning submissions made to the Trust each year about 70% were granted, often following careful negotiations to achieve an acceptable result.

But this was not enough. The Trust Council believed that it should take a longer view and try to identify the architectural and landscape values that the Suburb's original designers believed to be important. This would require a detailed survey of the Suburb area by area. Residents had been invited to participate in this study that would seek to identify the key features in each area and to document them with photographs and commentary of their own. These studies, once agreed with the Trust's partners in this project, Barnet and English Heritage, would greatly strengthen planning decisions and policies. They would make it possible to see individual proposals much more readily in their immediate context and to make better judgements weighing the needs of development with the values of conservation.

The Trust owned the freehold of 27 private roads, 11 allotment sites and a number of open spaces and communal gardens on the Suburb. The cost of maintaining these were met by a varying combination of the Trust itself and of freeholder and leaseholders as prescribed by the conditions of leases or covenants on freeholds.

These costs, as well as horticulture, included the maintenance of roads, walls, paths and other public furniture. Many of these had been relatively neglected since 1907 and, over the next ten or so years careful thought needed to be devoted to considering how these were to be renovated. This process would be able to draw heavily on the area characterisation survey to which the Chairman had already referred.

In the next year the Council would, therefore, be spending more in time in considering how its aims can be best achieved over the coming decades and would increasingly be turning to residents for their views. The Trust Council expected, by the time of the next Annual General Meeting, to be able to present some conclusions about what the Trust Council hoped could be achieved in the next hundred years and how it might be funded.

1. The Trust Council's Report and Accounts for the year to 5th April 2006

The Chairman invited questions and comments on the report of the Council for the year ending 5th April 2006.

Mr Smith made a number of points. He observed that the accounts were poorly presented and that the Report of the Council appeared to be trying to avoid reference to the loss it had made. He noted that the auditors had been remunerated for work other than that performed in preparing the accounts and questioned their independence. There had been a very considerable increase in legal fees and he felt that there should be some explanation. He felt that the refurbishment of the Trust's property at 864 Finchley Road should not be apportioned against the Scheme of Management and asked whether the Trust had a budget

The Trust Manager invited Mr Smith to the Office so that she could answer some of the detailed questions he had raised by reference to Trust files. For the moment she could say that there was indeed a budget, that the cost of refurbishing 864 Finchley Road had not been allocated to the Scheme of Management, that the Trust had recently issued a competitive invitation to tender for auditing the Trust's accounts and that a new auditor had been selected to act once their appointment had been agreed by the meeting, and that legal costs had been driven up especially by the need to deal with legal challenges to the Trust's decision to reject what was felt to be an inappropriate planning application and by a threat from Barnet Council that they would take legal action against the Trust unless the Trust itself took legal action to prevent the nuisance arising from the activities of a vagrant on Trust land.

Carol Boulter of Corringham Road wanted to sound a more positive note than the previous questioner. She felt that the Report and Accounts and the other information that came with them represented a model of good practice. She felt that she was not alone in thinking that the Trust was on the right path. There was increased interest in how the Trust was managing the Suburb and she felt that the way in which it was being done made her look forward to the future with encouragement.

Peter Falk of Farm Walk asked for more information about what was proposed in the budget for the current year.

The Trust Manager said that it was proposed to carry on the work that had been started. The programme for professionalising the management of the Trust would continue to be pursued. Management Charge bills were now produced in house and work was progressing on developing a fuller planning database with the appropriate automation. The *Gazette* had proved to be a very effective channel of communication and the Trust, using that and its newly established website, would continue to invite criticism and to seek out opportunities for the explanation and discussion of Trust policies. In more material terms, the Trust hoped to be much more active than in the past in maintaining and improving the considerable number of open spaces and roads of which it held the freehold. Although, of course, the Scheme of Management had to break even year on year, the Trust was still budgeting for a deficit on its own account and were still giving thought to its long-run finances.

The Chairman said that 80% of the costs of the Scheme of Management were apportioned to freeholders and 20% to leaseholders. Since ground rents were not sufficient to meet the cost of administering Scheme of Management for leaseholders these expenses had to be funded by the Trust from its reserves. The Trust had to manage its finances with considerable care. In view of the challenges it faced in the future with respect, for example, to the need to maintain infrastructure to which the Trust Manager had already referred the Trust was giving some thought to how the Trust might be re-endowed.

Mrs Reidy of Asmunds Place, asked whether the Management Charge was uniform for all freeholders.

The Chairman said that, as describer in the Report and the accompanying issue of the *Gazette*, the Trust was considering an application to the Leasehold Valuation Tribunal to amend to the Scheme of Management so as to make its incidence progressive by relating to the Council Tax bands.

Pia Duran of Asmunds Hill, asked who was the owner of the house in Asmunds Hill being sold at auction.

The Chairman replied that the owner was the Ashdale Land and Property Company.

The motion to accept the Report and Accounts was proposed by David Lewis and seconded by Leonie Stephen. The resolution was passed unopposed.

2. Elections to the Trust Council.

The Chairman noted that Richard Wakefield was elected a Trustee in 2005 unopposed.

This year there were two vacancies for elected representatives on Trust Council, one due to the completion of a three-year term by Charles Zeloof and one arising from the sad death of Michael Rowley in February. Both David Bogush, who was co-opted following Michael's death, and Charles Zeloof, had expressed their willingness to stand again and have been duly nominated for election as Trustees.

No other nominations had been received and so David Bogush and Charles Zeloof were each elected unopposed.

3. The appointment and remuneration of auditors

The Chairman reminded those present that he had explained at last year's AGM that it was intended to re-tender the audit work and, as already noted by the Trust Manager this has been done. A panel of two Trustees, the Trust Manager and two volunteers with relevant experience reviewed possible auditors and invited expressions of interest from a list of six firms. Three firms of auditors, plus the Trust's current auditors were selected for interview. The panel selected Haysmacintyre as offering the best combination of value, understanding of the Trust's needs and performance at interview.

The motion to appoint Haysmacintyre as the Trust's auditors and to authorise the Trust Council to agree their remuneration was proposed by John Freeborn, seconded by Stephen Licht and passed unopposed.

4. Proposal to change the name of the Company.

The Chairman said that the name of the company had been "The New Hampstead Garden Suburb Trust Limited" for 37 years. It had been proposed that it was now appropriate for "new" to be dropped from the title.

Michael Max proposed by special resolution, seconded by Pia Duran, that the name of the Company should be changed to " The Hampstead Garden Suburb Trust Limited" . The resolution was passed by the necessary majority.

5. General Discussion

The Chairman invited questions.

Michael Milner, North Square, observed that many charities relied on legacies for a considerable part of their funding. It was easier for donors to decide to include the Trust as a beneficiary in their will than it might be to make a major donation during their lives. He suggested that the Trust should systematically encourage such donation which, he believed, could make a major contribution to the long term financial well-being of the Trust. Such donations would not come, of course, unless the Trust could demonstrate that it was making a real difference to the Suburb, that it really needed the funds and that it could show that such endowments would be managed separately and in such a way as to ensure that their value would be preserved.

The Chairman was grateful for this suggestion and said that it would be pursued. The idea was that such contributions could be “restricted” by their donors so that only the interest on these funds could be drawn down.

Michael Max drew attention to the very large number of tree preservation orders that had been made on the Suburb. He understood why they had been made but there was no uniform understanding of their importance or the circumstances, e.g., drought and consequent subsidence damage to buildings in which such preservation orders might and/or ought to be rescinded. The local council did not always have the same view as local residents and it was hard to identify a common rationale. There appeared to be no coherent plan for arboriculture on the Suburb.

The Trust Manager said that this was indeed a very important issue. The landscaping, trees and hedges of the Suburb were fundamental to its appearance and, after a hundred years, there was certainly a need to take stock. All street trees and many of those in open spaces were the property of the local council but the Trust intends to seek the views of residents and to review the situation with a view to developing an integrated policy as soon as staff capacity allowed.

Marc Sinden said that Trust policy and local council policy on the placing of satellite dishes appeared to be contradictory.

The Trust Architectural Adviser said that he did not think that the policies were contradictory but that it might be that the Trust’s position was more restrictive than that of the local authority. He said that he would send a copy of current advice to Mr Sinden and that he would be pleased to discuss the issue further with him.

John Freeborn, Hampstead Way, complained about the parking of large water bowsers in Hampstead Way and Temple Fortune Hill. He understood that the 1906 Hampstead Garden Suburb Act contained bye-laws that made it an offence to park commercial vehicles in Hampstead Garden Suburb and asked for clarification of the position.

The Chairman undertook to look into the matter.

Edna Weiss, of Maurice Walk asked how the Trust justified spending £12,000 on legal proceedings in order to stop a vagrant sleeping rough on the Suburb.

The Trust Manager said that about a year ago the Trust began to receive a series of complaints about the behaviour of a vagrant. The vagrant had frightened a number of people. His actions had been discussed with the Headmistress of Henrietta Barnet Girls’ School whose pupils had been affected and at length with the Social Services Department of the London Borough of Barnet. Council officers had been sympathetic but the Council eventually declined to take action threatening the Trust with legal action if the Trust did not accept the responsibility for dealing with the vagrant. The Trust felt that it was not the appropriate authority for dealing with this kind of problem but had had no alternative. The vagrant was not, according to those in a position to know, mentally ill, he had been offered housing but had refused it. The Trust was faced with someone who was officially

in position of their senses, who chose to create a nuisance on Trust property and who was felt by many residents to be a threat to them and their property; residents had been imprisoned in their cars, unable to get out for fear of the actions of the vagrant. It was with considerable relief, therefore, that the Trust learnt that, after their own actions, the local authority had accepted responsibility and secured an anti-social behaviour order against the vagrant that it was the responsibility of the local authority, and not the Trust, to enforce. The Trust greatly hoped not to be put in the same position again.

Valerie Codron of Brim Hill, asked whether the Trust Council would consider allowing the installation of solar panels and solar power.

The Architectural Adviser said that the Trust had approved several solar panels all of which had been installed in a position where they were not visible to most residents. The Trust would be unlikely to approve the installation of a solar panel on tiled roofs or other locations where they would be visible but it would not see any objection to the kinds of installation already made.

Ivor Hall, Erskine Hill, said that he thought that membership of the Trust should be increased. He noted that membership was restricted by the Article of Association to 1,250 residents and that three years residence on the Suburb was required.. He asked if those restrictions could be lifted.

The Chairman undertook to look into this but pointed out that in spite of the Trust Council's efforts to encourage membership it had never, to his knowledge, exceeded more than about two thirds of the limit set. This limit did not appear to have played any part in determining the present level of membership which was about 750. As soon as it became a constraint on membership the Council would consider applying for a change in the Articles of Association. At the moment, any resident of three years' standing could apply for membership and the Trust had constant sought to draw attention to this possibility and to encourage applications.

Carol Boulter asked if longer notice could be given of the AGM. She personally knew of people who had been prevented from attending because of commitments made many months in advance.

The Chairman undertook to bear this in mind.

The meeting was closed at 9.15 p.m.