

Hampstead Garden Suburb Trust

Complaints Procedure

General

Any complaint about any of the policies or actions of the Trust or its staff or with reference to any financial charges made by the Trust should be made in the first instance to the Trust Manager. In the case of refusal of consent to alter the appearance of a property, under either the Scheme of Management or the terms of a lease, the Trust operates an internal Review procedure. The Trust Manager will endeavour to resolve other complaints by informally arranging as necessary a meeting or meetings to discuss the matter with the Trust staff and, as appropriate, with one or more Trustees. If the issue cannot be resolved to the satisfaction of the person making the complaint then the complainant should put their complaint in writing to the Chairman who will draw it to the attention of the Trust Council.

Contact:- The Trust Manager
Hampstead Garden Suburb Trust
862 Finchley Road
London NW11 6AB
Telephone 020 8455 1066 or 020 8458 8085

Further steps

If any matter cannot be settled by discussion or Review with the Trust then a complainant can seek a remedy in a number of ways depending on the nature of the complaint.

In general, the Charity Commission and the Courts will expect a complainant to be able to demonstrate they have attempted to resolve their complaint informally with the Trust before resorting to formal methods of resolution.

Charity Commission

If a complaint is with reference to the exercise of the Trust's powers and obligations as a Charity under its Memorandum and Articles of Association then the complaint should be submitted to the Charity Commission.

Contact:- Website: <http://www.charity-commission.gov.uk>

The Commission prefer contact to be made with them online or by telephone: 03000 66 9197.

High Court or Lands Chamber – Upper Tribunal

Where the Trust's review procedure fails to resolve an application for alteration(s) to a property, the applicant may have a remedy in the Lands Chamber – Upper Tribunal or in the High Court. At all times an applicant should seek his or her own legal advice on how to proceed

First-tier tribunal – Property Chamber (Residential Property)

Estate and Service Charges

All charges made by the Trust, whether to leaseholders (service charges under the terms of leases), or to freeholders (estate charges under the Scheme of Management), are subject to regulation by the First-tier tribunal – Property Chamber (Residential Property) under section 27a of the Landlord and Tenant Act 1985 (for service charges) or section 159 of the Commonhold and Leasehold Act 2002 (for estate charges). The Tribunal is empowered to determine all aspects of any estate or service charge. Anyone liable to pay such a charge

may apply to the First-tier tribunal – Property Chamber (Residential Property) for a determination of their liability.

Variation of the Scheme of Management

If the complaint is about the provisions of the Scheme of Management then an application can be made to the First-tier tribunal – Property Chamber (Residential Property) for one or more of them (including the way in which the Management Charge is levied) to be varied. Anyone liable to pay the Management Charge may apply to the First-tier tribunal – Property Chamber (Residential Property) under section 159 of the Commonhold and Leasehold Reform Act of 2002.

Alternatively anyone liable to pay the Management Charge may apply to the First-tier tribunal – Property Chamber (Residential Property) for the variation of the provisions of the Scheme of Management as provided in the Scheme of Management itself. Such an application requires the support of at least one third of the Freeholders (currently about 1,200 out of approximately 3,600).

The First-tier tribunal – Property Chamber (Residential Property) envisages that applicants may appear before it without legal representation.

Contact:- Website: <https://www.justice.gov.uk/tribunals/residential-property>
Regional office address:
Residential Property 10 Alfred Place
London WC1E 7LR
Telephone 0207 446 7700

Determination of the Management Charge by a Surveyor

Under the terms of the Scheme of Management 200 or more freeholders may petition the Trust for the appointment of a Surveyor to determine the Management Charge. This is an alternative to an approach to the First-tier tribunal – Property Chamber (Residential Property) with a complaint about any aspect of the Management Charge by any individual liable to pay the Charge. The costs of such a determination are met by Freeholders through the Management Charge.

Advice

1. The Trust is unable to give legal advice on which it would be possible to rely in Court; the advice given here is in general terms and is not exhaustive; it does not include, for example, any reference to questions relating to leases, enfranchisement or the provisions of the Companies Act. Accordingly you are advised to seek your own legal advice on any issue.
2. Further information from the Trust about its operations may be found in *The Trust Gazette*, past issues of which are available on the Trust's website at <http://www.hgstrust.org>
3. The Charity Commission and the First-tier tribunal – Property Chamber (Residential Property) are both able, as appropriate, to advise on procedures. Alternatively or in addition a complainant should seek advice from a solicitor.

Documentation

Copies of the Trust's Memorandum and Articles of Association and of its Scheme of Management can be obtained from the website or the Trust Office.