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Dr Jeffrey J. Segall
308 Cricklewood Lane, London NW2 2PX
Tel: 081-455 5005 Fax: 081-209 1231

7 December 1992

Dr D.C.M. Yardley
Local Government Ombudsman
Commission for Local Administration in England
21 Queen Anne's Gate
London SW1H 9BU

Dear Dr Yardley,

Ref: 92/A/2431

Further to our previous letters and to your letter of 3rd November, we have additional information which we should like to be taken into account.

We have now received from the Council at our request copies of the papers dealing with the proposed Eruv as considered at the meeting of the Public Works Committee on 30th June 1992. We trust that the Council has already sent these to you in response to your request for copies of any relevant documents.

We wish to draw your attention to the following items in these papers.

Agenda Item 11

4.1 The principle at issue is not the concept of an Eruv, but its public recognition by the erection of physical boundaries for it on public land. Therefore the permission for the Woodlands Close Eruv did not include acceptance of a general principle which is applicable to the present proposal (see 8.5&6 below).

5.1 The acceptance of the gift from the United Synagogue Eruv Committee might have introduced bias (albeit unconsciously) in favour of the proposal and to accelerate its processing (see 8.3 below).

8.2 The proposed Eruv would not make its public area 'private' to followers generally of the orthodox Jewish faith, but only to a small minority who are followers of the United Synagogue Eruv Committee. Yet the document fails to note that the marking of boundaries by poles/posts and wires would demonstrate the existence of the 'private zone' to all, and that this could be conceptually offensive to many Barnet residents, Jewish as well as non-Jewish.

8.3 Representatives of the United Synagogue Eruv Committee were given the opportunity to present their case to the Public Works Committee. The same opportunity should have been given to residents groups which oppose the proposal.

8.3ii There is no evidence to substantiate the claim that about 10,000 people would benefit significantly from the Eruv. Neither attendance at Synagogue nor an expression of an unspecified benefit to be gained from an Eruv is evidence that an individual at present observes the rules in question. Moreover, there is no certainty that individuals would limit their dispensation to the 'domain' of the Eruv, as the religion does not require accountability on personal observances. To evaluate its real usefulness an independent annual audit would be required.

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8.3iv The Eruv Committee declares its hopes for similar applications in other boroughs, which signifies that the proposal has national implications, yet this is not recognised in the document. (The full name of this Committee implies that it is a national, not a Barnet, body.)

8.5&6 The citing of the boundary wire of the Woodlands Close Eruv is misleading as that Eruv is not a precedent for the present Application:

(a) There are no poles or posts on public land.

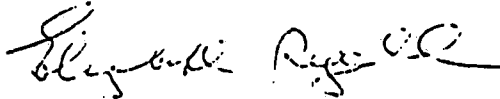
(b) The wire encloses a cul-de-sac in which two-thirds of the residents are Jewish, not a large urban area in which the Jewish people are a minority.

(c) The claim that about one in three of the families living in the cul-de-sac benefit directly is irrelevant since the proportion of residents who might benefit from the present proposal is extremely small.

Decision

The 'numerous letters received in support of the proposal' could only have come from followers of the Eruv Committee who had foreknowledge of the Application, as at that time the Council had not issued any public notice or consultation letters about the proposal. Thus the interests of the majority of Barnet's residents, and particularly those who would be most directly affected adversely, were ignored by the Council and its Public Works Committee.

Yours sincerely,



Jeffrey J. Segall and Elizabeth Segall

cc. Cllr Don Goodman, Chair of Public Works Committee
Mr John Koster, Director of Technical Services