

TOWN PLANNING & RESEARCH COMMITTEE

19 APRIL 1995

PUBLIC QUESTION TIME

At the meeting of the Town Planning and Research Committee held on the above date at 7.00 pm at the Town Hall, The Burroughs, Hendon NW4 4BG, Councillor Jeremy Davies, Vice Chair of the Committee (in the chair for the meeting) answered the following question and supplementary question from a member of the public during public question time:

Question

No.1

The gift of £4,000 from the United Synagogue Eruv Committee to Barnet Council was accompanied by a letter, dated 18 December 1991, from the Eruv Committee's Agent at that time, stating, "I enclose herewith a cheque for £4,000 by way of a gift to the Council so that the feasibility study can be carried out. These monies must be used for that purpose or returned to me."

The purpose of the gift was reported to Councillors by Officers on 30 June 1992 as, 'the staff and resource costs committed to considering the Eruv have been dealt with by a gift from the United Synagogue Eruv Committee.'

Documentation on a feasibility study of the proposal apparently does not exist or cannot be found.

The £4,000 payment can be deemed to be a symbolic 'rental' for the use of the frontages of our and other houses for parts of the Eruv boundary, without the owners' or occupiers' consent, which modern eruv-makers claim is obviated if a gift from them is accepted by a local authority.

In order to dissociate the present Barnet Council from any use of the gift other than the stated feasibility study, will the Town Planning and Research Committee request the Chief Executive to arrange the return of the £4,000 to the Eruv Committee?

Reply

The Chief Executive wrote to Dr Jeffrey Segal on 17 January 1994 confirming that the £4,000 given to the Council in December 1991, was to fund a feasibility study into the proposed Eruv. The Eruv Committee's agents, who made the gift, had been correctly informed that the Council was unable itself to allocate monies to fund such a feasibility study.

You had referred in your earlier correspondence to the £4,000 being a 'symbolic payment to a suitable authority' and now refer to this in your question as 'deemed to be symbolic rental for the use of the frontages of our and other houses for parts of the Eruv

boundary'. The Chief Executive had said in his letter to you of 17 January 1994 that this was not a 'symbolic payment'. This remained the view then as it does now.

Dr Segal and yourself had then raised this matter with the Ombudsman in a follow up to an earlier complaint you had made concerning the Council's handling of the planning application for the Eruv. The Ombudsman ~~replied~~ to you on 18 March 1994 and I will quote from his letter:

'Your new complaint is that there was a covert function behind the gift to the Council, which was a symbolic rent or lease payment for the Eruv, that the Council was negligent or biased in not suspecting it and that the failure to return the gift could amount to maladministration. However, I am satisfied that the Council acted reasonably in accepting the gift which, as I explained in my letter of 14 April 1993, can be seen as analogous to an applicant paying the Council's legal costs in preparing a legal agreement associated with a planning permission'.

Supplementary
Question

At the time of our correspondence with the Ombudsman we were unaware of the purpose of the gift. What powers do the Council have under planning legislation to accept this gift as part of the planning process?

Reply

The gift was to fund a feasibility study into the Highways Act aspects of the proposed Eruv; it was unrelated to the subsequent planning applications. Officers reported on the findings of the study to the Council's Public Works Committee on 28 April and 30 June 1992.

The only fee which the Council received which related to the planning aspects of the Eruv, was the normal planning application fee.