

BARNET COUNCIL PUBLIC WORKS COMMITTEE MEETING - 30TH JUNE 1992

Chairman Don Goodman (DG)

No discussion on religious issues

Received >350 letters of which 3 opposed

Graham Beattie

Presented revised report, as attached

Recommended granting of licence

DG

Reiterated exclusion of discussion on religious issues

Recommends licence for 1 yr with decision to renew left to full committee after first year and thereafter under delegated powers

Bond to be lodged to cover dismantling costs

Melvyn Cohen (Cons: Golders Green)

Received largest postbag in 12yrs as councillor - 120 letters only 2 against

Must decide purely on Public Works grounds

Satisfied that it's safe and not obtrusive

Challenge to councillors - How many lampposts or poles are there in their streets

Jack Cohen (LibDem: Child's Hill)

Presentation by Eruv Com. v helpful

Nothing new - Manchester and Blackpool putting up poles and wires - tramcars!

3 issues

Is the proposal technically sound - yes

Is there any inconvenience or loss of amenity - no

Will it enhance the life of people in the Borough - yes

Barbara Langstone (Cons: Finchley)

Eyes of the public are on the Borough

Probably the largest Eruv in the world (!)

Received only 40 letters

Listened to Eruv Com., Lord J, MPs and 12 Rabbis in the south of the Borough (?)

Know that there is divergence of opinion

Concerned with safety and the environment

Size

Practicality of checking

Weather - effects of snow, ice etc

Accidents to people

Make sure it is not an eyesore

Acknowledges benefits to mothers and handicapped

Feels it is too big, too many poles (*Too many notes, Mr. Mozart!? [DAS!]*)

Gerald Shamash (Lab: Burnt Oak)

Issue is not halachic

Concerned with less than 10,000

There are only 62 poles - not a lot

Population movement argument is red herring

Virtually unseen

Olwen Evans (Con: East Barnet)

? Colour of poles - match to environment (!)

Concerned with safety - snapping of wires

Concerned about precedent - different ethnic groups

All but one letter received is against

DG

Satisfied that wire is no safety problem

Doesn't accept precedent argument as every matter considered in its own merits

Ellis Hillman (Lab: Colindale)

Agreed to postponement to allow chance for representation

Careful not to confuse PW and TP&R issues

Langstone and Evans related to TP&R issues

Not our business to interfere in halachic matters

Only issue is safety and has been adequately dealt with by officers

Majority of people in Borough will not have amenities affected and many will benefit

Jane Ellison (Cons: Mill Hill)

Keyword is - Pragmatism

Dismiss religious issues

If it went up overnight, would anybody notice?

Reassured by answers given at Eruv Com

Presentation

Many have lobbied for and none against

Must reflect the view expressed to me

Organised lobby

A lot of people feel strongly about it

Will be well organised and run

Mike Freer (Cons: St. Paul's, Vice Chairman)

Issues are straightforward - narrow relating to safety

Shares the views expressed by Langstone and Evans

Giving qualified support

All technical and cost aspects must be met

Proposes amendments

Indemnity must be in place before work commences

Bond for cost of quarterly inspection by Borough engineer

Erection by authorised contractor

Full cost secured in advance

Jack Cohen and Joan Ryan objected to last minute amendments - overruled

**Amendment carried unanimously
Proposal carried 10 for, 0 against,
Langstone & Evans abstained**

Approx 60 members of the public attended

LONDON BOROUGH OF BARNET

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Agenda
Item
11

Page No.

COMMITTEE : PUBLIC WORKS

DATE : 30 JUNE, 1992

SUBJECT : ESTABLISHMENT OF AN ERUV IN THE HENDON
AND GOLDERS GREEN AREAS OF THE BOROUGH

CONTRIBUTORS : DIRECTOR OF TECHNICAL SERVICES
(Lead officer CHIEF EXECUTIVE
underlined)

STATUS : PUBLIC
(if exempt state
classification)

WARD : HENDON, GOLDERS GREEN, GARDEN SUBURB
CHILDS HILL, EAST FINCHLEY, FINCHLEY,
WEST HENDON, MILL HILL.

ENCLOSURES : PLAN NO. 15761

1. SUMMARY

- 1.1 This report updates the committee on additional information about the proposed ERUV gathered since the committee's last meeting including that conveyed at the special presentation to members by the United Synagogue ERUV Committee on 3rd June. The report also seeks the approval of the committee to the granting of a licence to the United Synagogue ERUV Committee for the establishment of an ERUV subject to all the conditions detailed in the Recommendations.

2. RECOMMENDATIONS/CONCLUSIONS (for decision by Committee)

- 2.1 THAT THE COMMITTEE NOTE THE ADDITIONAL DETAILED INFORMATION REGARDING THE PROPOSED ERUV AS SET OUT IN THIS REPORT.

2.2 THAT THE UNITED SYNAGOGUE ERUV COMMITTEE BE GRANTED CONSENT UNDER SECTIONS 178 AND 181 AT THE HIGHWAYS ACT 1980 TO ERECT WIRES OVER THE PUBLIC HIGHWAY AT PRESCRIBED CROSSING POINTS FOR A PERIOD OF ONE YEAR FROM THE INITIAL GRANTING OF THE LICENCE, SUBJECT TO:-

- (A) DETAILED DESIGN CALCULATION BEING APPROVED BY THE DIRECTOR OF TECHNICAL SERVICES;
- (B) ALL NECESSARY APPROVALS AND CONSENTS BEING OBTAINED INCLUDING PLANNING PERMISSION;
- (C) APPROVAL FROM THE CITY OF LONDON, THE DEPARTMENT OF TRANSPORT AND THE PUBLIC UTILITIES WHERE APPROPRIATE;
- (D) THE APPLICANTS PROVIDING AN INDEMNITY IN A FORM ACCEPTABLE TO THE CONTROLLER OF LEGAL SERVICES AND;
- (E) THE APPLICANTS AGREEING TO PAY THE FULL COSTS INCURRED BY THE COUNCIL IN CONSIDERING THE APPLICATIONS AND CONSIDERING THE LICENCE.

2.2 THAT THE DIRECTOR OF TECHNICAL SERVICES BE INSTRUCTED TO INFORM THE UNITED SYNAGOGUE ERUV COMMITTEE OF THE ABOVE DECISION AND TO TAKE ALL NECESSARY ACTION.

3. RELEVANT PREVIOUS DECISIONS

3.1 Public Works Committee 28/4/92 - 6, 6/2/90 - 13.

4. POLICY CONSIDERATIONS

4.1 The general principle of permitting a localised Eruv was accepted in February 1990 when the Committee agreed to the Woodlands Close Eruv.

5. RESOURCE IMPLICATIONS

5.1 All works and fees will be funded by The United Synagogue Eruv Committee. The staff and resource costs committed to considering the Eruv have been dealt with by a gift from the United Synagogue Eruv Committee.

6. MONITORING OFFICERS' OBSERVATIONS

6.1 None.

7. HEAD OF PAID SERVICES' OBSERVATIONS

7.1 None.

8. BACKGROUND INFORMATION/OFFICER'S COMMENTS

- 8.1 The United Synagogue has formed an Eruv Committee to establish an Eruv within Barnet. The proposed Eruv, which is shown on the attached plan, encompasses all of Hendon and Golders Green, together with areas of Hampstead Garden Suburb, Finchley, East Finchley, West Hendon, Cricklewood and a small area of Mill Hill. It is approximately 17 square kilometres with a total perimeter of 18 kilometres.
- 8.2 An Eruv is a zone which makes public areas 'private' in nature to the followers of the Orthodox Jewish faith. Without an Eruv they are prohibited from carrying anything in public i.e., outside their homes on their Sabbath, this requirement extending to keys, handkerchiefs, medicine and the pushing of babies in prams.
- 8.3 Following the report which was presented to the Committee on 28th April, it was proposed that a presentation should be made to Members by representatives of the ERUV Committee to explain, in some detail, the substance of their proposals. This presentation was held at Hendon Town Hall on Wednesday 3rd June. The meeting was attended by 19 Members and the presentation was followed by a question and answer session. The meeting lasted for approximately an hour and the following is a summary of the main points raised:-
- i. The proposed area of the ERUV relies for its perimeter on 'man-made' boundaries such as the London Transport Northern Line, the M1 Motorway and the British Rail Bedford - St Pancras railway line. It is intended to cover the whole of Hendon and Golders Green (NW4 and NW11) but by the nature of the boundaries, it also covers parts of other areas.
 - ii. It is estimated by the ERUV Committee that some 10,000 people within the proposed area will benefit significantly from the ERUV. This is based on the attendances at the several Synagogues within the area.
 - iii. Those benefiting most from the ERUV within the Jewish Community would be the elderly, disabled and those families with young children, as they would be able to have greater freedom to go out on the Jewish Sabbath.

- iv. Concern was expressed that the creation of the ERUV could lead to the a population shift into the area. The ERUV Committee were however of the opinion that relative property values would preclude this. The establishment of an ERUV in Barnet was more likely they felt, to provide an incentive for Jewish Communities in other Boroughs to request their local authorities to give consideration to establishing other ERUV areas.
- v. Concern was expressed on the question of insurance arrangements and indemnifying the Council against third party claims. The ERUV Committee had made enquiries with a major UK insurance company who had provided a quotation for insurance cover with a limit of £2 million for any one incident and unlimited cover in any one year. This was in accordance with the Council's usual insurance requirements. Other matters raised at the meeting are included within sections of this report.

8.4 The perimeters enclosing an ERUV are common in the United States of America, where they have been established in 31 cities across that country. They are also present in a number of cities in Europe. To be effective, an Eruv requires an enclosed boundary perimeter the demarcation of which can be by way of normal physical boundaries such as fences, walls of houses, railways, etc. To complete the ERUV, it is necessary to create an artificial boundary, where the perimeter is breached, and this is normally achieved by means of a high level wire across such breaks e.g. over a highway.

The wire will probably be nylon monofilament fishing wire which will be barely visible at a minimum height of 6.1m above the highway. The poles may be hollow steel tube, 100-150 mm diameter, similar to street lighting columns. Alternatively, they could be of timber construction, probably telegraph poles of 150mm diameter. In either case, the ERUV Committee feel that they would blend into the 'street scape' and would not be visually intrusive. This arrangement forms what is known as a 'gateway' and completes the ERUV boundary where the perimeter is breached by highways or other features.

8.5 This is the second application to be presented to the Public Works Committee for an Eruv boundary wire, the first was at Woodlands Close (6/2/90). The Committee granted consent under Section 178 of the Highways Act, 1980 for the erection of a wire over the public highway at the entrance to Woodlands Close, subject to the Council's reasonable terms and conditions.

- 8.6 The wire at Woodlands Close is suspended approximately 6.1m above the highway and is hardly noticeable to the passer by. It is inspected by an Eruv Committee member weekly, on the eve of the Jewish Sabbath to ensure that it, and hence the Eruv boundary, is intact. The wire at Woodlands Close has been in place for two years without any reported problems. Woodlands Close is a cul-de-sac with 30 houses of which 20 are occupied by Jewish families. Of these probably 10 families benefit directly from the establishment of this small ERUV area. It is, of course, very much smaller than this proposal.
- 8.7 Concern was expressed by Members at the meeting on 3rd June concerning the arrangements for the inspection and maintenance of the proposed post and wire system and the consequences of any incidents involving posts and/or wires.

The vast majority of the perimeter of the proposed ERUV requires no attention whatsoever. Existing structures, perimeter fences and topography are satisfactory boundaries for Eruv purposes. The designations of a particular feature as the limit of the Eruv is of relevance only to those who wish to know "up to here I may carry", but in every other respect remains unchanged and effectively invisible.

The posts and wire 'gateways' will be the subject of weekly inspections by a person appointed by the ERUV Committee. Discussions are presently taking place with suitable contractors for a maintenance contract in the event that any repairs are required. This contractor will be subject to approval by the Council. This would enable poles and/or wires to be repaired at short notice. In the event of more major repairs, contingency arrangements would be made to advise those concerned that the ERUV could not be re-established at short notice. As all poles will be sited at the rear of the footway, they would be less vulnerable to accidental damage. All costs related to inspection/maintenance would, of course, be met by the ERUV Committee.

licence
As part of the *liaison* process, the Council itself will undertake regular inspection of poles and wires and where practicable this will be included in existing inspection procedures.

- 8.8 The following areas require particular action to provide continuity to the boundary:-
1. The boundary fence to Golders Hill Park;
 2. Hampstead Heath extension.

- 8.9 The existing southern perimeter fence of Golders Hill Park is not substantial enough to be used as part of the perimeter. However, following a meeting between representatives of the Corporation of London, the ERUV Committee and this Council, it was stated that the Corporation of London intended to renew the boundary in the near future. It would probably take the form of a metal fence on a low brick wall and it was anticipated that the works would take place in the next 12-18 months.
- 8.10 A short section of the Heath Extension will also require a series of discrete gateways, consisting of a series of 6 poles (5m high) with a wire running along their tops immediately abutting Wildwood Road. This would be funded by the Eruv Committee and would cover about 95m in length. The proposals within this section have been agreed with the officers of the Corporation of the City of London.
- 8.11 The perimeter of the proposed fence is breached by 31 roads all of which will require a "gateway", consisting of posts and a suspended wire at a height of 6.1m above the carriageway.
- 8.12 Section 178 and 181 of the Highways Act cover the provision of apparatus on and over the public highway and the necessary consents required from the highway authority.
- 8.13 Of the 31 road crossings, 9 are crossing trunk roads and will require permission from the Department of Transport. The spans will range from 13m to 54m. The other 22 are Borough roads and will require Council approval. The spans will range from 8m to 30m.

In both cases, formal agreements will be required, and in respect of those requiring Department of Transport's approval, the Eruv Committee will receive an Approval In Principle but the full acceptance from the Department of Transport will only come after the posts and wires have been considered and approved as a 'highway structure'. Copies of correspondence with the Department of Transport will be available at the meeting.

- 8.14 The Eruv proposals submitted appear feasible in engineering terms. Members who attended the meeting on 3rd June were advised that, in all probability, the ERUV Committee would be required to submit a single planning application for all 31 road crossings and the other locations. However, every location would be treated separately, although the extent of any consultation areas had not yet been determined. Correspondence between ERUV Committee and Hampstead Garden Suburb Trust had indicated that, although the Suburb was wholly within the proposed area, none of the road crossings would require the Trust to be consulted.

8.15 The United Synagogue Eruv Committee will be asked to begin formulating their detailed design proposals and calculations for submission to the Director of Technical Services should the Committee decide to accept the recommendation. The Committee is requested therefore to approve the granting of a licence under Sections 178 and 181 of the Highways Act for an initial period of one year, subject to the necessary design checks, all associated approvals and consents being obtain, including planning permission and the completion of an indemnity to the satisfaction of the Controller of Legal Services. The licence would be reviewed annually and subject to all the conditions having been met would be renewed by officers under delegated powers.

9. LIST OF BACKGROUND PAPERS

9.1 Correspondence between the United Synagogue Eruv Committee and the Director of Technical Services.

Any person wishing to inspect any background papers listed above or on file should telephone 081-446 8511 ext. 4470.

10. AUTHOR

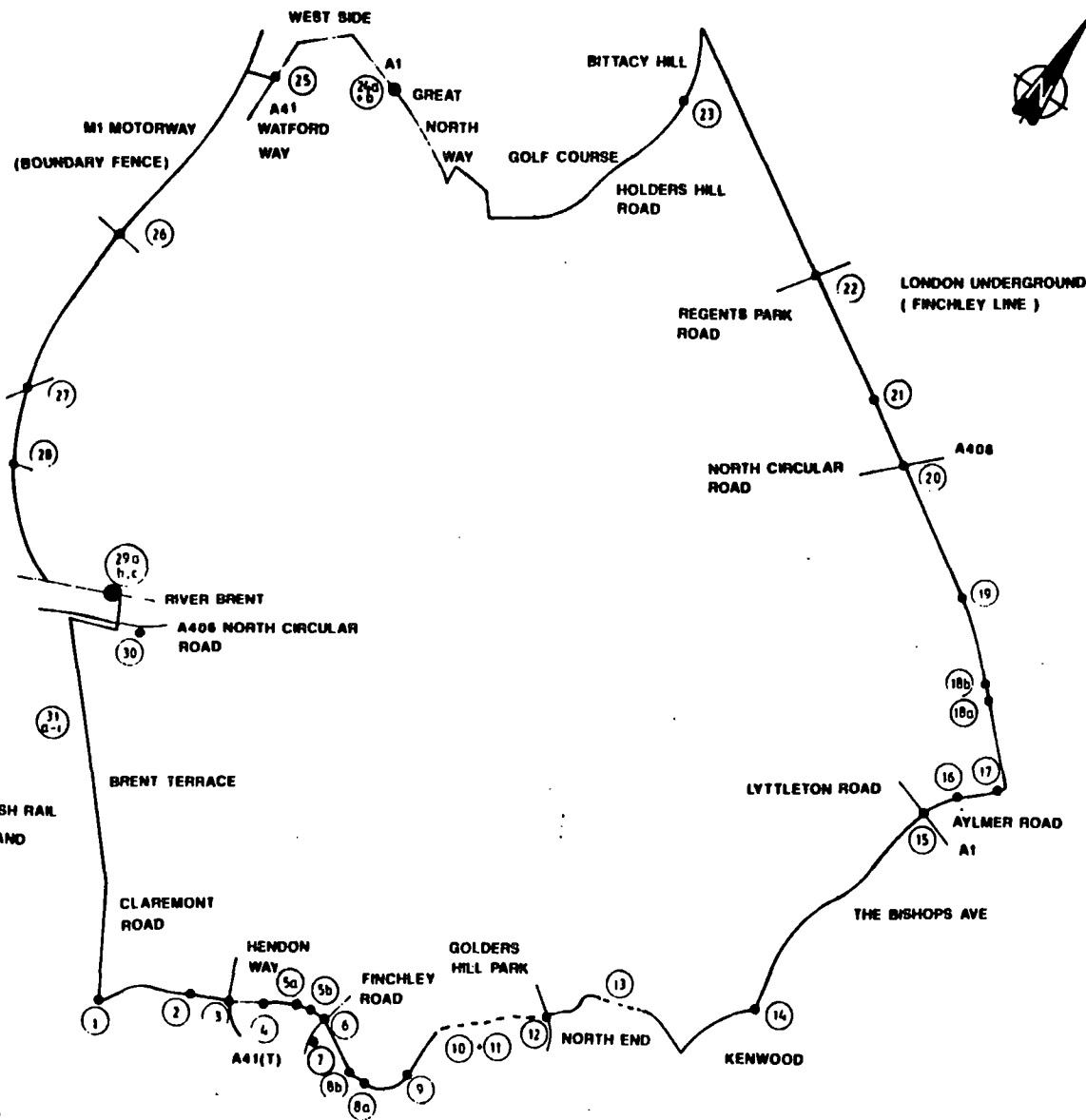
10.1 Director of Technical Services - Mr John Koster - Ext. 4370

10.2 DF - PA

10.3 MO - JDJ

E/JK/AL.3/24 June 1992

3/ABV.028



NOTES:

Revision and Date	Description	Initial

A G Williams
Director of Technical Services

G G T Bentlie
Controller of Engineering Services
Barnet House, 1255 High Road,
Whetstone, N20 0EJ
Tel. 081-446 8511 Fax. 081-446 6484



TECHNICAL SERVICES ENGINEERING GROUP

SCHEME:

HENDON AND GOLDERS GREEN

TITLE:

PROPOSED ERUV

Scales	DIAGRAMMATIC	Date	4/92
Initiated	JDK	Drawn	MJK
Checked			

DRAWING NO:

15761

Decisions of the Public Works Committee

30 JUNE 1992

FAIR COPY

1. ESTABLISHMENT OF AN ERUV IN PART OF THE BOROUGH (HENDON, GOLDERS GREEN, GARDEN SUBURB, CHILDS HILL, EAST FINCHLEY, FINCHLEY, WEST HENDON, AND MILL HILL WARDS) (P.Wks.Cttee. Dec. 6/2/90 - 13 and 28/4/92 -6),(Report of the Director of Technical Services and Chief executive - item 11)

The Controller of Engineering Services submitted two petitions in support of the granting of permission for the erecting of wires over the public highway in connection with the establishment of an Eruv in part of the borough. During the discussion reference was made to the numerous letters received in support of the proposal and also to the letters received against.

It was suggested that the proposed conditions should be strengthened.

RESOLVED -

- (1) That the Committee note the additional detailed information regarding the proposed Eruv as set out in the report.
- (2) That the United Synagogue Eruv Committee be granted consent under Sections 178 and 181 of the Highways Act 1980 to erect wires over the public highway at prescribed crossing points for a period of one year from the initial granting of the license subject to:

- being*
- (a) detailed design calculations ^{being} (approved?)₂ by the Director of Technical services;
 - (b) the installation of all poles (illegible) *posts* wires being undertaken by a competent (contractor?) who must be approved by the Director of Technical Services;
 - (c) all necessary approvals and consents (must be?) obtained, including planning permission;
 - (d) approval from the City of London, the Department of Transport and the public utilities where appropriate;
 - (e) the applicants agreeing to pay the full costs incurred by the Council in considering the application and preparing the licence;
 - (f) the indemnity insurance to be provided prior to work starting;
 - (g) a bond equal to the estimated annual cost of the Director of Technical Services' inspection, monitoring and remedial works including provision for the removal of the poles and wires be received prior to the work starting;
 - (h) the Council having the right to invoke the licence should the bond be depleted and not replenished;
 - (i) the applicants providing an indemnity in a form acceptable to the Controller of Legal Services;
 - (j) all costs relating to the establishment of the Eruv to be received in full prior to work commencing.

(3) That any application received for the renewal of the licence be submitted to the Committee for consideration and the Director of Technical Services be instructed to arrange accordingly at the appropriate time.

(4) That the Director of Technical Services be instructed to inform the United Synagogue Eruv Committee of (the?) decision and to take all necessary action.

4

Decisions of the Public Works Committee

30 JUNE 1992

COMMITTEE:

- +Councillor Don Goodman (Chairman)
+Councillor Mike Freer (Vice-Chairman)

Council Notes:

- | | | |
|-----------------------|---------------------|-----------------------|
| +Jack Cohen, | +Ellis Hillman, | SF 'E' Poole, C. Eng. |
| +Malvin Cohen, LL.B., | B.Sc., F.R.S.A., | M.I.E.E. |
| +Stan Cross, | +Barbara Langstone, | +Joan Ryan, |
| +Jane Ellison | +Liz Mammatt, | +Gerald Shemash, |
| +Miss Olwen Evans, | B.A. (Hons.), | D.P. (Hons.), |
| A.C.I.S., | | (Hons.) |

+denotes Member present

Scientific Member absent on Council business

1. ESTABLISHMENT OF AN ERUV IN PART OF THE BOROUGH OF HENDON (GOLDERS GREEN, GARDEN SUBURB, CHILDS HILL, EAST FINCHLEY, FINCHLEY, WEST HENDON, AND MILL HILL WARDS) (P. 110, Cites Dec. 6/2/90-13 and 28/4/92-5) (Report of the Director of Technical Services and the Chief Executive - 1990-91)
- The Controller of Engineering Services submitted two petitions in support of the granting of permission for the erecting of wires over the public highway in connection with the establishment of an Eruv in part of the Borough. During the discussion reference was made to the numerous letters received in support of the proposal and also to the letters received against.
- It was suggested that the proposed conditions should be strengthened.
- RESOLVED -
- (1) That the Committee note the additional technical information regarding the proposed eruv as set out in the report.
 - (2) That the United Synagogue Eruv Committee be granted consent under Sections 178 and 181 of the Highways Act 1980 to erect wires over the public highway at prescribed crossing points for a period of one year from the initial granting of the licence subject to:

P.Wks.,30/6/92

- (a) detailed design submitted to the Council by the Director of Technical Services;
- (b) the installation of all poles and wires being undertaken by a competent person who must be approved by the Director of Technical Services;
- (c) all necessary approvals and consents being obtained, including planning permission;
- (d) approval from the City of London, the Department of Transport and the public utilities where appropriate;
- (e) the applicants agreeing to pay the full costs incurred by the Council in considering the application and preparing the licence;
- (f) the indemnity insurance to be provided prior to work starting;
- (g) a bond equal to the estimated annual cost of the Director of Technical Services' inspection, monitoring and remedial work including provision for the removal of the poles and wires to be received prior to the work starting;
- (h) the Council having the right to revoke the licence should the bond be depleted and not replenished;
- (i) the applicants providing an indemnity in a form acceptable to the Controller of Legal Services;
- (j) all costs relating to the establishment of the Eruv to be received in full prior to work commencing.

(3) That any application received for the renewal of the licence be submitted to the Committee for consideration and the Director of Technical Services be instructed to arrange accordingly at the appropriate time.

(4) That the Director of Technical Services be instructed to inform the United Synagogue Eruv Committee of the Council's decision and to take all necessary action.

ESL

12/1992