

Confidential

**The Eruv:
Briefing Notes**

**Rabbis and Officers of
The United Synagogue**

Background

The notion of an eruv in North West London is not new and has been considered at various times over the years. Nearly six years ago an initiative was undertaken and a small, informal cross-community group took up the challenge of what is inevitably a long and painstakingly detailed job.

Demand for an Eruv

There are now more than 100 Eruvs in the USA and others in Canada, Australia, France, Belgium, Gibraltar and of course in every town and village in Israel. The demand has been expressed broadly across United Synagogue and other communities in North West London where particularly young mothers and the handicapped are now aware of the potential facility and vociferously demand it.

A petition, since audited and confirmed by Stoy Hayward, was signed by 3,299 adults, mostly United Synagogue members, in Barnet of whom 2,840 live in the area of the Eruv.

Feasibility Studies

The founding group conducted a feasibility study of halachic and economic viability and established the outline proposal. The initiative was brought under the 'umbrella' of the United Synagogue in 1990 whilst retaining its inter-community structure.

Early Funding

Members of the committee funded the feasibility stages before the US was involved. The four local US shuls each contributed £1,750 towards costs and certain individuals on the committee have funded the balance and bridged loans when the shuls were a little slow to come forward!

Committee Management

Michael Goldmeier chaired the committee through the early stages and we all appreciated the lack of political demarcation and got on with the vast amount of work involved in planning an eruv and preparing for Public Works, Town Planning and Department of Transport applications. On Michael Goldmeier's resignation, and in response to Jonathan Lew's memorandum requesting that we appoint our own chairman, David Schreiber accepted the role, though not formally adopting the title, and the committee continued to function with total dedication and without concern for the hundreds of man hours and tens of thousands in direct and indirect costs invested. Various members have each undertaken specific responsibilities, including Legal, Planning, PR etc. The committee has been responsible and referred to Dayan Ehrentreu on all halachic issues and consulted widely within the community and beyond, as required on particular issues.

Barnet Public Works and Town Planning & Research

Against predictions, we succeeded in gaining the overwhelming support of Barnet's Public Works committee and proceeded to Planning. We were warned by the local MPs, with whom we have excellent relations, and councillors, that the Tories, led by Roy Shutz and Frank Davis, would stop at nothing to obstruct the eruv and with the support of the Ham&High they conducted an unprecedented scaremongering campaign through the press and local institutions. We anticipated stiff opposition in the Planning Committee and had always worked on the assumption that if we were not able to scrape through the council we would win on appeal.

In the event, we lost 11-7 with the last minute swing resulting from political pay-offs within the council. This, whilst disappointing and a nuisance, was no surprise. Our planning consultants have advised us that in view of the positive recommendation of the Barnet planning officials, the predicted outcome at appeal is in our favour.

Reaction to Planning Decision

The community as a whole, including MPs, councillors and leaders outside the NW area, have unanimously encouraged us to pursue the application as it was clear to everyone concerned that the application was not rejected on planning considerations. Furthermore we are in no doubt that if we allow this application to be turned down unjustly it will prejudice future relations with Barnet for shuls, schools etc. and their chances of success in future legitimate applications.

Enclosed is a copy of The Times leader that appeared the day after the decision.

There are also wider issues that have involved the Board of Deputies, where anti-eruv campaigners have used antisemitic devices that have had to be exposed and overturned.

Resolution to Appeal

Following Barnet's decision in February, we consulted widely and have taken expert advice in the areas of planning and PR and have consulted with the Government offices concerned with highways. We have developed a coherent strategy to secure planning permission using a combination of the appeal procedure to the Secretary of State and an alternative application.

This strategy was put to a full meeting of the committee in the presence of our United Synagogue liaison and was unanimously adopted. Under guidance from the Beth Din, we requested the Written Representation option in order to minimise costs and media exposure. This may be converted to a Public Inquiry if either Barnet or the Secretary of State insist. We subsequently instructed our professionals to go ahead with the Appeal and to submit the alternative Application 'B' (see following). We anticipate that the appeal will be considered in about 6 months time and the second application in about 3 months.

Application 'B' to Barnet

Application 'B' varies from the original application in using monofilament wire throughout and in using existing street furniture on the contentious meadow section of Wildwood Road. There is a possibility that Application 'B' will be approved without the need for appeal as one opponent (Victor Lyon - now Mayor of Barnet) will not vote and at least two others opposed 'A' on conservation area grounds relating specifically to Wildwood Road.

Appeal to the Secretary of State for the Environment

If 'B' is rejected, it will be brought in together with the original application to appeal by written representations. This route is preferred in order to minimise cost and public exposure. Our expectation is that an inspector will grant 'B'.

It is necessary to appeal the first application in case 'B' is rejected by the Highways people on technical grounds and in order to secure the appeal slot in time.

Department of Transport

We have been somewhat delayed in releasing the revised application and the Appeal pending clarification from the DoT. The issue is the requirement to obtain a 'stopping-up' order from the Ministry responsible for the trunk roads concerned. Barnet deal with other highways under delegated powers. We faced a potential Catch-22 situation because the DoT wouldn't process our application for such an order without planning permission being granted and we preferred not to go into the costs and significant effort of an Appeal without knowing that it would be the last hurdle.

We have now received a positive indication from the DoT that the matter can be resolved in other ways. We were supported in this matter by John Marshall MP who contacted the Minister for London, Mr. Steven Norris.

Finance

Although the committee was set up under the United Synagogue name, we have always accepted that, as a committee, we would need to raise the funds necessary for the approval and construction of the Eruv, and to provide for ongoing maintenance and not rely on the official channels of the United Synagogue for the major funding.

Public Liability Insurance

A condition of our Public Works licence, granted last year, is that we put in place public liability insurance - and this will of course be done so that the United Synagogue does not carry any such risk. The quotation received at the time for £1,000,000 cover was for £150 per annum - a clear indication of the perceived risk.

Funding of Application 'B' and Appeal

Apart from the costs of preparation included in the following budget, the application itself is free.

The appeal costs, based on written representations is of the order of £20,000. There are outstanding accounts of some £5,000. There is a substantial amount of professional and administrative work, including legal costs, which has been provided pro bono.

These costs would be met from an 'Appeal Appeal' to the signatories of the petition in a direct mail shot to go out as soon as possible. It was for this mailshot that we requested use of the US credit card facilities. All the material, including letters, labels and business reply licence are in place and we urgently need this facility confirmed so that the mailshot can go out now in parallel with the Appeal.

In parallel, we will be approaching individuals from across the local community to underwrite £1,000 or £2,000 each to cover the shortfall and the additional costs, if we are drawn into a public inquiry, of some £15,000.

Funding of Construction and Maintenance

Our original costing for construction was of the order of £50,000 and our intention is to raise a greater capital sum, once planning is granted, to cover supervision and maintenance - estimated at approximately £10,000pa. These are typically dealt with by part-time people and a standing contract with the installer for quick-response repairs. The estimate includes publicity and education

The information system to confirm that the Eruv is OK, using a charged dial-in number, is a potential source of revenue towards maintenance

Completion of Project

We are confident of a positive outcome to the planning cycle, if necessary on appeal, and will then set about the detailing of construction and provisions for supervision and maintenance.

There is a very considerable task to be undertaken in preparing suitable educational material for schools and Hadorim as well as for adult education.

Conclusion

As a committee, we have appreciated and enjoyed excellent relations with everyone concerned at the United Synagogue and the Beth Din - Dayanim, Rabbis, Honorary Officers, Officials and membership and we do trust that we will continue to enjoy this level of support through the present complex phase and to completion so that the Eruv will stand as a credit to the United Synagogue in whose name we are pursuing this important project.