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HAMPSTEAD & HIGHGATE EXPRESS

Ham & High

THURSDAY, DECEMBER 31, 1992

HAMPSTEAD
& HIGHGATE'S
LEADING
INDEPENDENT
ESTATE AGENT

Benham
& Reeves

Fresh element in eruv legal tangle

BARNET does not have the legal right to license an eruv because of the number of privately owned roads in the proposed area, Barnet councillor Frank Davis has claimed.

The United Synagogue has applied to the council for planning permission to erect posts to create an eruv, or symbolically enclosed area, covering Hampstead Garden Suburb, Golders Green and Hendon. Religious law within the boundary can be relaxed to allow Orthodox Jews to push wheelchairs and prams on the Sabbath.

But Mr Davis has pointed out that there are 25 roads and 24 open spaces owned by the Hampstead Garden Suburb Trust within the proposed eruv.

In June the public works committee gave consent for wires to be erected over the public highway, subject to "all necessary approvals and consents being obtained".

Mr Davis believes, however, that the committee may have acted beyond its powers. "It might seem that the borough does not have the power to lease or license private streets and open spaces to

a third party without consent. No such consent has been sought."

The council's planning committee is due to make the final decision on January 20.

Mr Davis also said the existence of a number of allotments within the boundary could mean that Orthodox Jews could not take advantage of the eruv. He noted that religious law prohibits the inclusion of any cultivated area larger than 200ft by 100ft. "No-one will use the eruv even if they do get consent, unless they break their own rules," he said.

"I know that I have been named as an opponent, but I think it is essential that the Jewish community is aware of all the problems that exist and have yet to be overcome," he said. "As a result there is a great deal of hype regarding the eruv, without the possibility of creating it even being in sight. I do hope that the public is not being conned."

Alan Perrin, technical adviser to the United Synagogue's eruv committee, said he could not comment on what Barnet could and could not do. He admitted that the existence of a cultivated area

within an eruv could be a problem. "I don't think we would proceed with our application if there were a basis in Jewish law that would invalidate the whole thing. There are many aspects which would invalidate it and we believe we have coped with all of them."

Mr Davis told the Ham & High that he had been sent a Chanukah card bearing a skull and crossbones and anti-Semitic slogans.

He said he had no doubt that it was prompted by the eruv application. "The very thing that I warned about is now taking place. Anti-Semitic literature is being distributed to members of the Jewish community."

Mr Davis said he was surprised to read in the eruv application advertisement in the Ham & High earlier this month that an eruv could be declared for "persons of the Jewish faith".

"This is misleading since that comment relates only to some members of the United Synagogue and is vehemently disputed by the majority of the Jewish community. The town planning employees responsible for the advert acted irresponsibly.