

# INSTITUTE no agreement yet

Negotiations between the Institute and the School, represented by Barnet and the Department for Education and Employment (DfEE), appear to have reached an impasse. Although an annual rent for the site has been agreed by the District Valuer and surveyors acting for the Institute, there is no agreement about how the remaining issues should be resolved.

The offer made by the DfEE, and discussed in the last issue of *Suburb News*, has been rejected by the Institute. In the words of the Chairman:

"From the Institute's point of view these offers fail to address vital issues, have many strings attached, are grossly inadequate and, above all, would result in the Institute being unable to pursue its plans for a comprehensive scheme for the site which would be to the benefit of all concerned."

Instead the Institute have suggested that the Compulsory Purchase Order (CPO) procedures instituted by Barnet and their Notice to Quit should be deferred for at least a year, provided that in the meantime rent is paid to the Institute.

The purpose of the deferment is to allow consideration of plans which are in the process of being drawn up by Austin-Smith: Lord Partnership, Architects and Town Planners. They have been commissioned by the Institute Council to carry out a feasibility study on the redevelopment of the Institute site. By February they will put forward various options for providing additional accommodation to enable both the School and the Institute to continue on the site for the foreseeable future.

Their report would provide the basis for further negotiations between the Institute and the School to determine which parts of the existing and new accommodation are to be shared and which are to be used exclusively by each organisation.

The idea of a moratorium has been rejected by Barnet. According to Max Caller, the Chief Executive: "the Council has made it clear to the Institute and the School that if they reach a negotiated settlement that safeguards the future of the School, the Council will withdraw its CPO." He goes on to say "negotiations can continue throughout the CPO process so there is no need to defer them to allow for more time."

Before a CPO can be implemented there has to be a Public Inquiry and this will not be held for at least 6 months, which should provide ample time for a solution to be found.

What financial and accommodation package the Institute Council are finally prepared to accept will depend in large measure on whether they see their future relations with the School in traditional or market terms. For the first 80 years of their existence the Institute and

School were partners of the same educational charity.

This view is summarised in a minute of the Institute Council at a meeting held on 12 March, 1925:

"It is (therefore) desirable to re-affirm as the fundamental aim of the Institute that all its activities, though organised each for its own special purpose, should be inter-related and inter-connected as parts of a common unity and that whilst each should discharge its own functions, all should be united in common services and should consider themselves as parts of the larger whole - the Institute which gives each its status and duties."

Throughout this period there were close organisational links between the Institute and the School. For example the Institute Council appointed the Foundation Governors of the School, the Headmistress and the Chairman of the School Governors sat on the Institute Council and the Principal of the Institute was also Clerk to the School Governors. During the 1990s these links have all been severed and the School is now thought of as a tenant rather than a partner.

These two alternative ways of looking at the relationship between the Institute and the School were recognised by Judge Carnwath in his judgment delivered last March.

"In practice, the amount of the payment will be a matter for negotiation, based on a market rate but having regard to the respective capital contributions to the development of the site. It would of course be open to the Institute, so far as consistent with its own charitable objectives, to agree to a lesser rent if this is thought appropriate. If there is disagreement, no doubt some form of arbitration may be put in place. It would only become a relevant issue in Court, if, contrary to the wish of everyone, the Institute ultimately found it necessary to bring proceedings for possession of the premises."

The dispute between the Institute and the School has been both time consuming and expensive. In March it will be 3 years since the Institute served the original Notice to Quit on the School, and the hearing last February in the High Court cost the Institute £300,000. A solution does not appear to be any nearer and in his annual statement the Chairman of the

Institute warned that:

"If the London Borough of Barnet choose to continue with the CPO procedures, as before we will have to take them on and we will fight if necessary right the way through to the Court of Appeal and the House of Lords because the Institute Council is confident of the justice and morality of its cause."

**Christopher Kellerman**

(Both this article and that which appeared in the Autumn issue of *Suburb News* were written in my capacity as resident and a member of the Institute Society and not as manager of the Suburb Trust.)

## Parliament visit

An invitation from John Marshall MP to visit the Houses of Parliament on Tuesday 28 May 1996. The visit, including tea on the terrace, will cost £6.75 per head. Please let Léonie Stephen, 140 Willfield Way, know if you are interested.

## HBS Old Girls

HBS Old Girls hold their annual supper party on March 18 for anyone who attended the school. Please phone 0171 915 9292 (day) or 0171 602 2564 (eves).

## FHA Fete 1996

The Family Holiday Association are delighted that a successor has been found to run their Fete on the Square. Alison Wynn is an experienced fundraiser for Toynbee Hall. As will be seen in 'WHAT'S ON', her first Fete will be on May 25.

# Cycling on the Suburb

I've been cycling around the Suburb for the ten years that I have been here and I've loved every minute of it. Leisure cycling has enjoyed a small renaissance in that time while short journeys by car have also increased. Drivers speed to make up for the time spent finding a parking spot at the shops. As a result, I'm sure cycling has got more dangerous: traffic on through routes on the Suburb has got even faster and drivers seem to feel more frustrated by the hold ups on minor roads. Bull bars which can too easily maim, mobile phones which absorb concentration and shackle the hands (illegal, I know, but who takes any notice?) and the legitimacy given to bad temper through the acceptance of road rage as a natural consequence of a busy life all add to the peril.

All in all, not good news for vulnerable road users. It is obvious that fast cars and slow bikes don't make good companions: bikes go better with slow cars (traffic jams can be good news for cyclists) or with pedestrians, on specially designated routes. In the near future, I hope that the Residents Association Council will consider a proposal I have made to allow the shared use of some footpaths within the Suburb. With the support of the Residents Association, my proposal could go forward to Barnet for consideration by the Borough. Barnet have allowed cycling in some parks but not yet within the Suburb. The routes on which I would like to see cycling allowed are:

- Through Bigwood from Temple Fortune Hill to Oakwood Road and on to Falloeden Way.
- Through Lyttelton Playing Fields from Kingsley Way to Norrice Lea.
- Across Hampstead Heath Extension, along the lit path from Hampstead Way to Wildwood Road.

I appreciate that the third path on my list is under the control of the Hampstead Heath Authority rather than Barnet. These paths are often underused at the moment but give good alternative routes to heavily used roads. The first avoids Northway, the second the A1 and the third is an alternative to Meadway. Cycling could be a real alternative to local car journeys on the Suburb it must be encouraged through positive measures which show that its contribution to the health of our environment is welcomed.



Cycling on Falloeden Way 1982, Terry Rand's picture demonstrating how Falloeden Way could be. One of the archive photographs from Mervyn Miller's new book.

Cyclists can bring positive benefits to other path-users by helping to police quiet paths and by adding the voice of cyclists' pressure groups to help the pedestrian lobby on maintenance, safety and security issues. Decriminalising responsible cyclists would enable the community as a whole to unite against aggressive misuse by the minority.

Cyclists are only a microcosm of society and we want the best for the community too, like you. Cyclists are killed by the bad driving which threatens them every day on the roads: pedestrians may feel threatened by cyclists at times but statistics show that there is no comparison at all in physical injuries. Cyclists were sent on to the roads at a time when the roads were occupied by horses and hand carts. Isn't it time to rethink the strategy which allows

joggers, dog-walkers (the dogs don't necessarily walk: my mother was knocked down by a racing boxer dog on the Heath Extension) and even sometimes roller-bladers unrestricted access to all paths while denying access to any such safe haven to cyclists? There are lots of bikes for all sorts of sizes and all ages in Suburb garages and sheds. I'd like to get them out and into the Suburb with the welcoming news that their riders are trusted and endorsed by the community.

Please let your RA membership representative know of your support for this proposal.

Please let me know if you have any suggestions for additional routes or other thoughts on cycling issues on the Suburb. I aim to represent cyclists on the RA's Roads and Traffic Committee.

**Roz Archer**



The Gallery is a focal point for the Residents Association, run by residents for residents, where you will find the work of some twenty artists. You can also find out all you need to know about the work of the RA and the Suburb, Commissions are welcomed for portraits of houses, people, even pets.

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## The Garden Suburb Gallery

At the Temple Fortune end of Hampstead Way 0181 455 7410

A Hampstead Garden Suburb Residents Association initiative

# 774

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