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21 February 2008

To: All Members of the Alexandra Palace and Park Board

Dear Member,

Alexandra Palace and Park Board - Tuesday, 26th February 2008

I attach a copy of the following reports for the above-mentioned meeting which were not available at the time of collation of the agenda:

4. MINUTES (PAGES 1 - 22)

Minutes of the Advisory Committee held 5 February 2008 and to consider any recommendations contained therein

12. COMMENTS OF THE LB HARINGEY'S CHIEF FINANCIAL OFFICER – TO BE CONSIDERED IN CONJUNCTION WITH AGENDA ITEMS 6 - 11 (PAGES 23 - 24)

16. FUTURE OF THE ASSET - REPORT OF THE TRUST SOLICITOR TO FOLLOW (PAGES 25 - 44)

COMMENTS OF THE LB HARINGEY'S CHIEF FINANCIAL OFFICER – TO BE CONSIDERED IN CONJUNCTION WITH AGENDA ITEMS 15 - 16 (PAGE 45)

Yours sincerely

Clifford Hart
Non-Cabinet Committees Manager

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**MINUTES OF THE ALEXANDRA PARK AND PALACE ADVISORY COMMITTEE.
TUESDAY, 5 FEBRUARY 2008**

NOMINATED BY LOCAL RESIDENTS' ASSOCIATIONS

* indicates attendance

*Ms. J. Hutchinson : Alexandra Residents' Association
 * Mr P. Wastell : Alexandra Residents' Association
 *Ms. M. Myers) : Muswell Hill and Fortis Green
 Association
 *Ms J. Baker : Palace Gates Residents' Association
 Ms P. Lacroix : Palace View Residents' Association
 Ms S. Rees (deputy) : Palace View Residents' Association
 *Mr. D. Frith : The Rookfield Association
 *Mr. F. Hilton (deputy) : The Rookfield Association
 *Mr. D. Liebeck : Warner Estate Residents' Association
 (Chair)
 *Mr H. Aspden : Warner Estate Residents' Association

APPOINTED MEMBERS

*Councillor S. Oatway : Alexandra Ward
 Councillor A. Demirci : Bounds Green Ward
 Councillor S. Beynon : Fortis Green Ward
 *Councillor M. Whyte : Hornsey Ward
 Councillor J. Bloch : Muswell Hill Ward
 *Councillor A. Dobbie : Noel Park Ward
 Councillor J. Patel : Council Wide appointment
 Vacancy : Council Wide appointment

* indicates Member present

Also in attendance:

Councillor J. Oakes

Mr D. Loudfoot – General Manager Alexandra Palace

Mr M. Evison - Park Manager Alexandra Palace

Mr K. Holder – Consultant Development Manager

Mr C. Hart – Clerk to the Committee – LB Haringey Non Executive Committees Manager

**MINUTE
NO.**

SUBJECT/DECISION

APSC24. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillors Demirci and Patel due to attendance at a special Licensing A Sub-Committee of which they are Members, Councillor Bloch due a work commitment outside of the UK, and Councillor Beynon due to the recent birth of her child.

The Clerk – Clifford Hart sought, and the Committee unanimously agreed to send

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	<p>its congratulations to Councillor Beynon on the recent birth of her daughter Megan.</p> <p>NOTED</p>
APSC25.	<p>DECLARATIONS OF INTEREST: MEMBERS OF THE COMMITTEE ARE INVITED TO DISCLOSE ANY INTEREST THEY MAY HAVE IN ANY OF THE ITEMS APPEARING ON THIS AGENDA.</p> <p>There were no declarations of interests.</p> <p>NOTED</p>
APSC26.	<p>MEMBERSHIP: TO NOTE ANY CHANGES TO THE MEMBERSHIP OF THE ADVISORY COMMITTEE.</p> <p>The Clerk to the Committee Mr Hart advised of the resignation of Councillor Justin Portess from the Council and the resultant Council-wide vacancy on the Advisory Committee. Mr Hart advised that the Committee would be informed once a Member had been appointed to the vacancy.</p> <p>NOTED</p>
APSC27.	<p>MINUTES</p> <p>ii) Minutes of the meeting of the Advisory Committee – 16 October 2007</p> <p>RESOLVED</p> <p>That the minutes of the Alexandra Park and Palace Advisory Committee held on 16 October 2007 be confirmed as an accurate record of the proceedings, subject to the amendment of the date in para 3 – page 3 – to read 17 and not 16.</p> <p>ii) Matters arising</p> <p>(i) Page 5 – last bullet point</p> <p>Councillor Dobbie commented on the requirement for a special Advisory Committee or an Urgency Sub Committee and as he was not a Member of the Urgency Sub-Committee asked if he could be notified if any such meeting was called. Councillor Oatway commented that she had originally suggested Councillor Dobbie sit on the Urgency Sub-Committee.</p> <p>The Clerk advised that in the event of any urgent matter requiring consideration by the Urgency Sub-Committee all Advisory Committee Members would be notified of the date and time and were welcome to attend the meeting if they so wished to observe.</p> <p>NOTED</p>

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(ii) Page 7 – Resolution (ii)

Councillor Oatway sought clarification as to whether the requested maps had been circulated in an A4 mode. The Park Manager – Mr Evison responded that the maps had been TABLED at the meeting in A3 form. He would undertake to ensure that the maps were sent to all Members in A4 form and he apologised for the oversight.

NOTED

(iii) Page 3 (ii) Cricket Club

In response to a query from Jane Hutchinson on progress with the Cricket Club application – Mr Loudfoot advised that no formal proposals had been received as yet. When an application for planning permission was received then the application would come before the Advisory Committee.

With reference to Park usage for the proposed new school and should the football/sport facilities around the park require floodlighting, such matters would be considered by the Advisory Committee.

iv) In response to points of clarification in relation to the attaching of the Judicial Review Judgement to the minutes of the meeting of 16 October 2007 from Mr Aspden, Mr Hart advised that they were placed on file with the minutes automatically but would not form part of the actual minute copies when circulated. Should any Member of the public wish to view the minute files they would see the copy there for viewing if they so wished.

At this point in the proceedings the Chair felt it appropriate for the Committee to discuss the resolution passed by the Board which was attached to the Minutes of the meeting of the Advisory Committee of 16 October 2007.

Resolution of the Alexandra Palace and Park Board - 30 October 2007

Mr Aspden asked whether it was appropriate to raise the issue of the Judicial Review Judgement at this juncture. On a point of order from Councillor Dobbie that this part of the meeting should be dealing with Matters Arising from the previous minutes, the Chair ruled that matters arising in relation to the Judicial Review be raised under the item – Future of the Asset.

The Chair then referred to the extent of the deliberations, and resolution, of the Board, (attached to the minutes) and the deliberations of the Board relating to the resolutions of this Committee dated 16 October 2007. The Chair commented that they were quite clear in their expression.

The Committee then discussed the resolution of the Board in considerable detail, the main points of the discussion being:

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- The total lack of regard by the Board for the requests and resolutions of the Advisory Committee, particularly in relation to previous requests from the Advisory Committee to have sight of the complete documentation (unredacted) relating to Firoka;
- ,that the Board is now formally requested, especially in light of the Judicial Review judgement, to ensure that the Advisory Committee are given sight of all of the relevant documents (unredacted) when the Charity Commission commences its further consultation process in order to enable the Advisory Committee to give clear advice to the Board;
- That the Advisory Committee did not wish to be seen as being obstructive and their request was in line with their powers and duties as set out in the 1985 Act, acting in the best interests of the Palace as a whole;
- That the Advisory Committee wish to remind the Board of the stated policy of Haringey in relation to any consultation process and that they should respond to any advice or recommendations proffered to the Board by giving its detailed reasons for either accepting or rejecting such advice;
- That this Committee considered that the Board would be failing in its duties to act in accordance with the 1985 Act in failing to respond in such a manner;
- That although the Advisory Committee had no power of veto of decisions taken by the Board, the Board was required to use its best endeavours to have due regard to the advice provided.

The Chair then summarised and it was:

RESOLVED

that in respect of a number of recommendations put to the Board by the Advisory Committee on 16th October 2007 (and the subsequent response of the Board to those recommendations on 30th October 2007) (see attached marked A) the Advisory Committee request the Board to respond to the following points of clarification in a clear and considered manner giving reasons for either accepting or rejecting the Advisory Committee's advice:

- i. that the decision of the Board on 30th October 2007 not to review and/or reconsider the Board's responses of 14th November 2006 (as per attachment B), and deferring such consideration until the Charity Commission had indicated its position, was in the view of the Advisory Committee, unacceptable and that it appeared to this Committee that the Board was thereby failing to act in accordance with the 1985 Act;

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- ii. that in view of the Judicial Review Decision of 5th October 2007 that the consultation process carried out by the Charity Commission was flawed; when the Charity Commission publishes its statement on how it intends to carry out a further consultation the Advisory Committee be provided with the relevant documents (unredacted) in order to enable the Advisory Committee to consider the proposals and express their view and tender advice to the Charity Commission and to the Board;
- iii. that the Board be asked to consider the points previously made in respect of the lack of disclosure of the proposed Lease and Project Agreement to the Advisory Committee, and to comment on the view of this Committee that, had proper disclosure been made, the outcome of the Judicial Review may have been different;
- iv. that the Board should confirm that in respect of this Committee it will in future adopt the policy, principles and objectives of the London Borough of Haringey and central Government in relation to the consultation process concerning the Firoka proposals;
- v. that the Board agrees to respond in detail to the Advisory Committee's advice in future and provide the reasons for either accepting or rejecting such advice; and
- vi. that the Advisory Committee did not wish to be seen as being obstructive in its requests but was merely seeking be properly equipped to fulfil its duties under the 1985 Act and to act in the best interests of the charity.

Councillor Dobbie asked that his dissent to above resolutions be recorded.

- iii) **Draft minutes of the meeting of the Alexandra Palace and Park Board held on 30 October, 5 & 17 December 2007 (Special meetings), Alexandra Palace and Park Panel – 22 & 29 November 2007) and the Alexandra Palace and Park Consultative Committee of 23 October 2007.**

The Chair asked if there were any points of clarification to the circulated minutes. The Committee's attention was drawn to the comments (at page 16 of the minutes of the Board of 30 October 2007) licensing arrangements entered into between Firoka and Alexandra Palace Trading Ltd, as referred to in the summary of exempt minutes of the Special Board meeting of 17 December 2007. Questions were raised concerning the details of the licence, which the Committee were advised were of an exempt/confidential nature.

The Committee expressed its concerns in relation to the lack of consultation and/or knowledge of the terms of the licence and/or the intention to enter into such a licence. The Committee considered that

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the Board should inform the Advisory Committee as to why it had not felt it necessary to notify the Committee of the professed Licence before it was entered into with the Firoka Group and the consequences of such arrangements on the finances of APTL.

Reference was made to a presentation by the 'Save Ally Pally campaign' at the Consultative Committee in October 2007 and decided that it would be useful for the organisation to address this Committee. Following a brief discussion as to a possible special meeting in March or April 2008 to receive the presentation due to there being no further Advisory Committee scheduled until June 2008 the Committee identified 18 March 2008 at 19.30hrs.

The Chair then summarised and it was:

RESOLVED

- i. that the Draft minutes of the meeting of the Alexandra Palace and Park Board held on 30 October, 5 & 17 December 2007 (Special meetings), Alexandra Palace and Park Panel – 22 & 29 November 2007) and the Alexandra Palace and Park Consultative Committee of 23 October 2007 be noted;
- ii. that the Board be requested to explain why the Board had not notified the Committee of the proposed Licence agreement to be entered into with the Firoka Group by APTL in May 2007, and the consequences of such arrangements on the finances of APTL; and
- iii. that a Special meeting of the Advisory Committee be convened on Tuesday 18 March 2008 commencing at 19.30hrs and as part of the business of that meeting the 'Save Ally Pally Campaign' be invited to make a presentation to the Advisory Committee.

Councillor Dobbie asked that his dissent to resolution (ii) above be recorded.

APSC28. FUTURE OF THE ASSET – UPDATE (VERBAL REPORT OF THE CONSULTANT DEVELOPMENT MANAGER, ALEXANDRA PALACE) TO ADVISE THE COMMITTEE ON PROGRESS.

The Chair asked for a brief update and introduction.

The Consultant Development Manager, Mr Holder, advised the Committee that the circulated report detailing the Chair of the Board's statement to the press on 23 January 2008 was the most up to date position as to where the situation was in terms of the future of the asset. The Firoka Group had confirmed its continuing intention and to that end officers were attempting to arrange a further meeting at

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which Mr Kassam could be present in order to progress matters. It was unlikely that any further progress would be made before the Board's scheduled meeting on 26 February 2008.

In response to points of clarification from Councillors Oatway and Whyte, Mr Holder advised that following the quashing of the order in the High Court on 5th October 2007 the Board had met on 10 October 2007 and had confirmed its strategy of 'holistic' development. The Board further confirmed its intentions on 5th December 2007 and had asked that the Firoka Group confirm its continuing interest in developing the Palace. Following the Christmas and New Year period the Firoka Group confirmed its continuing interest.

In response to a number of points of further clarification from the Committee Mr Holder responded that he had been advised that the Charity Commission, in light of the Court's decision, were now seeking advice on how it should proceed in terms of further consultation. In respect of the existing lease, project agreement, master agreement and supplementary documents agreed with the Firoka Group some further discussion would take place but it was unlikely that the content of any of the documents, other than the Master Agreement, would be substantially amended.

At this point Mr Aspden read a personal statement that he felt the Committee should consider in relation to the judgement.

The Chair commented that he was of the view that it was not in the remit of this Committee did not include comments on the detail of a court judgement . The Advisory Committee's remit was to consider matters relating to the Park and Palace and its operation. Councillor Dobbie commented that he wholeheartedly agreed with the Chair's comments and if the Committee were to accept the comments expressed then he would seek legal advice as to whether this Committee should be considering such issues.

Councillor Oatway also commented that in her view it was not a matter that this Committee should be commenting upon but that a number of the points had already been covered in the resolution passed earlier although she personally agreed with some of the comments expressed.

Ms Myers commented that the point was that the Charity Commission had not consulted properly, whether influenced by the Board/Council or otherwise and that that was the point of the judicial review and the resultant judgement. It was not in the best interest of the Charity Commission to be humiliated in this manner as a result of the judgement. Mr Frith shared this view and commented that the judgement had indeed been very clear on the issue of consultation.

In drawing the discussion to a close those present concurred with the comments expressed in relation to the judgement.

NOTED

**APSC29. HERITAGE LOTTERY FUNDED LANDSCAPE DEVELOPMENT PROJECT
UPDATE (REPORT OF THE PARK MANAGER) TO UPDATE THE COMMITTEE**

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ON PROGRESS

The Chair then asked for a brief introduction of the report.

In a succinct introduction to the circulated report Mr Evison gave a brief update of each of the areas of HLF work and answered points of clarification.

The Committee particularly commented and/or sought clarification as to the following issues:

- the possibility of a gravel path or paving at the Redston Road entrance, and the need for general improvements to paths across the Park as a whole
- the possibility of having details of the birds that nest in the park both on signage and on the website
- the excellent boating facilities
- the need for a new crossing point on the western corner of the palace

RESOLVED

- i. that the HLF update be noted; and
- ii. that the comments expressed during discussion of the item be noted and actioned, and report backs to the next Advisory Committee.

APSC30. FORTHCOMING EVENTS (REPORT OF THE GENERAL MANAGER, ALEXANDRA PALACE) TO ADVISE THE COMMITTEE ON FORTHCOMING EVENTS TO THE END OF THE FINANCIAL YEAR. (TO FOLLOW)

The General Manager advised the Committee of those events provisionally confirmed (*in italics*) and those confirmed on the events sheet. In particular he referred the Committee to 'Slammin Vinyl' on 21-22 March 2008 which would now not be taking place.

In response to questions from the Chair, Mr Loudfoot commented that it was likely that recent issues had affected the events programme and that some months for example July and August were quite quiet, but with the resumption of APTL it was expected that the take up of events would improve.

NOTED

APSC31. PLANNING APPLICATION - AIRWAVE SOLUTIONS LTD - ADDITIONAL ANTENNA TO BE MOUNTED ON THE MAST. (TO FOLLOW)

The General Manager Mr Loudfoot gave a brief introduction to the report and explained the background to the requirement for additional antenna

RESOLVED

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	<p>That the application by National Grid Wireless to install two new antennas on the existing transmission mast be supported.</p>
<p>APSC32.</p>	<p>ANY OTHER BUSINESS</p> <p>i. Items raised by Muswell Hill & Fortis Green Association</p> <ul style="list-style-type: none"> • The Committee being consulted and disclosure being given to the Committee of the terms of the ongoing negotiations with Firoka, and the terms eventually agreed; • The Board's response to recommendations of the Committee should not be simply "noted", as in the past, but the Board should explain their reasoning in the case of rejecting the Committee's recommendations. <p>Ms Myers commented (and the Chair concurred) that the issues raised by the Association had been dealt with earlier in the meeting.</p> <p>NOTED</p> <p>ii. Items raised by Warner Estate Residents Association</p> <ul style="list-style-type: none"> • Application made for a permanent gambling licence for track betting in the Panorama Room. • Traffic arrangements for Fireworks night 2007 <p>In response to questions from Harry Aspden as to the application for a permanent track betting licence the General Manager emphasised that the need for the licence had been solely to accommodate the world professional darts championships and not (as had been suggested in the local press) an attempt to provide a gambling venue outside that event (or future darts events) as a whole, nor was it an attempt to keep the concept of a casino alive, nor was it the thin end of a wedge designed to soften up the public. There were no other plans to expand betting beyond the darts championships.</p> <p>The General manager further commented that the Licence application was made by Trethowans Solicitors working with Ladbrokes who were the major sponsors of the event. It was submitted as a permanent licence due to the high fees that would be due each year if a permanent licence was not in place. Regrettably, there had been some confusion over in whose name it should be processed which had been resolved in discussions with the Local Authority.</p> <p>He also explained that due to the licence not being granted in time the organisers had acted under the provisions of the Gaming Act and taken out an 'occasional' use License for, in any one calendar year up to 10 days but, the allocation meant that the facility was not used on some days of the event in order to keep within the limits.</p> <p>In response to points raised by Mr Aspden, Councillor Whyte commented</p>

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that the rules and criteria governing the objection to grant of a licence were very clear and set out in statute, and the advice given by the Local Authority was correct in what could/could not be objected to. . Mr Aspden explained that it was the very fact that the objection criteria were so narrow that led him to believe that the matter should be referred to the Committee before the application was even submitted.

The Chair questioned whether it was within the remit of the Statutory Advisory Cttee to consider such applications, as it did indeed cover planning applications relating to the Palace and Park. In referring to Part III, para 19(a) of the Act, the Chair asked that advice be sought from the Council's Head of Legal Services in this respect.

RESOLVED

- i. That clarification/advice be obtained from the Council's Head of Legal Services as to whether applications for gaming licences for the Palace and Park fall within the remit of the Statutory Advisory Committee; and
- ii. In respect of concerns relating to traffic arrangements for the Fireworks' Display of 2008, and for 2009, the Chair asked that officers report further to the Advisory Committee in June 2008.

NOTED

There being no further business to discuss the meeting ended at 21.40hrs.

**David Liebeck
Chair**

ATTACHMENT A

MINUTE EXTRACT & RESOLUTION OF THE ALEXANDRA PALACE AND PARK BOARD OF 30 OCTOBER 2007 IN RESPECT OF THE RECOMMENDATIONS OF THE ALEXANDRA PARK AND PALACE STATUTORY ADVISORY COMMITTEE – 16 OCTOBER 2007

MINUTE EXTRACT

Arising from consideration of the minutes of the Advisory Committee we noted that in respect of a number of recommendations put to the Board on 31 October 2006, and the subsequent response of the Board to those recommendations on 14 November 2006, the Advisory Committee had requested the Board to reconsider the advice and recommendations of the Advisory Committee and its responses, and advise the Advisory Committee how they intended to implement their responses.

Councillor Hare referred to the notice he had given of a number of questions he wished to raise which related to the Advisory Committee's request and sought clarification of whether he might ask them at this juncture. The Chair indicated that the questions might be better considered during consideration of the report of the Trust Solicitor on the present position with regard to negotiations with Firoka (see Minute APBO.22 below).

The Trust Solicitor having advised that it was not appropriate to discuss the future of the asset until a clear view had been obtained from Firoka as to their intentions, the Chair added that any discussion would be hypothetical until that position was clarified.

Mr Liebeck expressed concern that the matters raised by the Advisory Committee should not be allowed to fall by default and having referred to the recent Court ruling and the continuing role of the Advisory Committee. He voiced disquiet that the Advisory Committee had still not seen the proposed lease with Firoka and expressed the hope that the advice and recommendations made by the Advisory Committee would be taken into account when the Charity Commission carried out the second consultation exercise. The Chair indicated that the full transcript of the Court ruling specifically regarding consultation would be considered by the Board and at that time it would be both appropriate and reasonable that advice and those recommendations from the Standing Advisory Committee would be considered in the light of the Courts direction.

Councillor Beacham having asked why the proposed lease could not be made available at this time to the Advisory Committee, the Trust Solicitor again advised that negotiations with Firoka were at an extremely delicate stage and until Firoka's position was made clear it would not be helpful to publish what the proposed lease had said.

Councillor Hare expressed the view that there was little reason why members of the Advisory Committee should not see the lease if they had signed

confidentiality agreements and were being asked for their views on related matters without knowing its contents. He suggested that as a number of lay people had now seen the lease a protocol should be agreed to allow Advisory Committee members to see it also. The Trust Solicitor commented that the Charity Commissioners had yet to decide on the scale and scope of their second consultation process and that it would be premature for the trustees to pre-empt the Charity Commission decision and publish the lease and project agreement until they had arrived at a view. Once details of the Charity Commission's proposed consultation process were known the Board would be able to consider that with the appropriate advice.

Councillor Hare indicated his disagreement with the advice offered by the Trust Solicitor and with what he viewed as the selective withholding of information and re-iterated his opinion that a copy of the lease should be provided to members of the Advisory Committee. The Chair responded indicating that he did not share that view and in the light of the advice of the Trust Solicitor he moved that the proposed lease between the Trust and Firoka Ltd. should not be made available for the time being but that as soon as the Charity Commissioners informed the Board of the consultation process they proposed to carry out all information that could be placed in the public domain be made available to the Advisory Committee. On being put to the vote Councillors Cooke, Dogus, Egan and Peacock appeared in favour and Councillors Beacham, Hare and Oakes against and it was declared carried.

The Chair then proposed a second motion that when the Board was in a position to reconsider the advice and recommendations of the Advisory Committee first put to them on 31 October and the responses given on 14 November 2006 they do so on the advice of the Trust's solicitor. On being put to the vote Councillors Cooke, Dogus, Egan and Peacock appeared in favour and Councillors Beacham, Hare and Oakes against and it was declared carried.

Councillor Hare was of the opinion that the Advisory Committee would not be able to function properly in the light of the decisions taken. The Trust Solicitor responded indicating that the Board was required to act in the best interests of the Charity and that advice had already been given about premature disclosure of information. Negotiations with Firoka were at a delicate stage and should be allowed to continue without prejudice, the threat of a claim for substantial damages based upon the trustees alleged repudiatory breach of contract remained and anything which the Board did in advance of the Charity Commission's decision might prejudice this.

RESOLVED:

1. That the minutes of the meeting of the Alexandra Park and Palace Statutory Advisory Committee held on 16 October 2007 be received.
2. That the proposed lease and project agreement between the Trust and Firoka Ltd. should not be made available for the time being but

that as soon as the Charity Commissioners informed the Board of the consultation process they proposed to carry out all information that could be placed in the public domain be made available to the Advisory Committee.

3. That the advice and recommendations of the Advisory Committee first put to the Board on 31 October and the responses given on 14 November 2006 be reconsidered once the Charity Commission had indicated its position.

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ATTACHMENT B

ADVICE AND RECOMMENDATIONS OF THE ADVISORY COMMITTEE DRAWN FROM THE MINUTES OF ITS MEETING ON 31 OCTOBER 2006 PRESENTED TO THE ALEXANDRA PALACE AND PARK BOARD MEETING ON 14 NOVEMBER 2006 COMPLETED WITH THE BOARD'S ACCEPTANCE/REJECTION AND REASONS WHY AS APPROPRIATE

	Advice and Recommendations	Accepted	Rejected and Reasons Why
1.	<p>(i) Item 4 – Minutes – Alexandra Palace and Park Board (12 September 2006) and Statutory Advisory Committee 29 August 2006</p> <p><u>RESOLVED</u></p> <p>That in respect of the decision of the Board from its meeting of 12 September 2006 to not take any action in respect of the Advisory Committee's recommendation of 29 August 2006 requesting that a traffic assessment is undertaken for the entire Alexandra Palace and Park site as part of the Firoka Group's developments, the Alexandra Palace and Park Board be requested to ensure that as part of the planning application process an overall traffic</p>		<p>That, as previously stated to the Advisory Committee, in respect of their previous request to the Board that a traffic assessment is undertaken for the entire Alexandra Palace and Park site as part of the Firoka Group's proposals, and that the Alexandra Palace and Park Board be requested to ensure that as part of the planning application process an overall rather than piecemeal traffic assessment of the scheme as a whole be made then the Advisory Committee be advised that this request is not within the remit of the Board to request . It is an issue to be addressed by Firoka to the Planning</p>

	<p>assessment of the scheme as a whole was made but not in a piecemeal fashion.</p>		<p>authority when it makes an application for planning permission.</p>
<p>2.</p>	<p>(ii) Item 5 – Future use of the Asset</p> <p><u>RESOLVED</u></p> <p>(A) that in terms of the draft Order the Board should provide and disclose to the SAC the proper procedures it intends to devise to monitor and review the performance by (Firoka) of the covenants contained in the lease, and how these procedures will restrict the use of the leased premise to uses consistent with the aims of the charity; in particular to maintain the Palace as a place of public resort and recreation and for other public purposes, bearing in mind the SAC’s statutory obligation to promote the objects of the charity;</p>	<p>The principle behind this advice is substantially accepted.</p> <p>The post of Monitoring Officer will have within its remit the role of monitoring and reviewing the performance by (Firoka) of the covenants contained in the lease, and how these procedures will restrict the use of the leased premise to uses consistent with the aims of the charity; in particular to maintain the Palace as a place of public resort and recreation and for other public purposes, and that the SAC’s statutory obligation to promote the objects of the charity will be covered under the residual arrangements of the Charity after the lease was granted.</p> <p>There will also be an employee of the charity who will exercise its continuing</p>	

		<p>role as part of its landlord function. Exact details of these roles and responsibilities will need to be worked through by the Board as Trustees with the assistance of professional advice.</p>	
	<p>(B) that the Board should address itself to the question (and provide the SAC with a written answer in detail) of how the role and function of the SAC, as provided for in Part III, Schedule 1, paras 19/20 of the Act will be maintained after the lease is entered into with the tenant, with particular regard to the question as to how the SAC is to discharge its statutory duties under the Act</p>		<p>That the Board advises the Advisory Committee that there will be no change to the role of the Advisory Committee, and it will continue under the existing rules after the lease to the Firoka Group has been granted.</p>
	<p>(C) . that the Board ought to make a provision in the lease to preserve the current powers and duties of the SAC to enable the local community in the form of the current make-up of the SAC (local residents' associations' representatives and councillors) to continue to be consulted and for the tenant to have due and proper regard to its views, and use their best efforts to give effect to its recommendations, in respect of the general policy relating to the activities and events arranged or permitted in the Palace, and</p>		<p>That the Board advises the Advisory Committee that there will be no change to the role of the Advisory Committee, and it will continue to exist after the lease to the Firoka has been granted.</p>

	<p>generally in respect of the functions of the SAC under Schedule 1 Part III of the Act</p>		
	<p>(D) that the Board provides the SAC with a copy of the draft lease, the project agreement and master agreement to be entered into by the Board of Trustees and the Firoka Group to enable the SAC to become conversant with the terms of the lease insofar it effects the role of the SAC and the aims of the charity under the provisions of the Act.</p>		<p>That the Board advises the Advisory Committee that its Chair has been provided with such copy draft documentation but that it is not appropriate for the Board to disclose the draft documentation to the Advisory Committee as they contain confidential and commercially sensitive information. The Board also considers that in advancing this request the Advisory Committee is going beyond its remit.</p>
<p>3</p>	<p>Item 7 (ii)The structure of the residual organisation that will be left to deal with matters relating to the Palace and the Park, on behalf of the Board</p> <p><u>RESOLVED</u></p> <p>that in respect of the Board’s residual functions post transfer of the asset to the Firoka Group, the Advisory Committee requests that the Board establishes a proper and effective monitoring procedure in respect of Firoka’s works and that the</p>		<p>That the Advisory Committee be advised that in respect of its request that the Board establishes a proper and effective monitoring procedure in respect of Firoka’s works and that the post be created of a ‘Clerk of Works’ to ensure that the works are carried in accordance with the terms of the project agreement, the Advisory Committee be advised that the proposed role of Monitoring Officer to</p>

	<p>post be created of a 'Clerk of Works' to ensure that the works are carried in accordance with the terms of the project agreement.</p>		<p>the Trustees will encapsulate a proper and effective monitoring procedure in respect of Firoka's works.</p>

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Alexandra Palace and Park Board – 26 FEBRUARY 2008
RESOLUTIONS of the Alexandra Park and Palace Advisory Committee
(“SAC”) dated 5th February 2008

RESOLVED

that in respect of a number of recommendations put to the Board by the Advisory Committee on 16th October 2007 (and the subsequent response of the Board to those recommendations on 30th October 2007) (see attached marked A) the Advisory Committee request the Board to respond to the following points of clarification in a clear and considered manner giving reasons for either accepting or rejecting the Advisory Committee’s advice:

- i. that the decision of the Board on 30th October 2007 not to review and/or reconsider the Board’s responses of 14th November 2006 (as per attachment B), and deferring such consideration until the Charity Commission had indicated its position, was in the view of the Advisory Committee, unacceptable and that it appeared to this Committee that the Board was thereby failing to act in accordance with the 1985 Act;
- ii. that in view of the Judicial Review Decision of 5th October 2007 that the consultation process carried out by the Charity Commission was flawed; when the Charity Commission publishes its statement on how it intends to carry out a further consultation the Advisory Committee be provided with the relevant documents (unredacted) in order to enable the Advisory Committee to consider the proposals and express their view and tender advice to the Charity Commission and to the Board;
- iii. that the Board be asked to consider the points previously made in respect of the lack of disclosure of the proposed Lease and Project Agreement to the Advisory Committee, and to comment on the view of this Committee that, had proper disclosure been made, the outcome of the Judicial Review may have been different;
- iv. that the Board should confirm that in respect of this Committee it will in future adopt the policy, principles and objectives of the London Borough of Haringey and central

Government in relation to the consultation process concerning the Firoka proposals;

- v. that the Board agrees to respond in detail to the Advisory Committee's advice in future and provide the reasons for either accepting or rejecting such advice;
- vi. that the Board be requested to explain why the Board had not notified the Committee of the proposed Licence agreement to be entered into with the Firoka Group by APTL in May 2007, and the consequences of such arrangements on the finances of APTL
- vii. that the Advisory Committee did not wish to be seen as being obstructive in its requests but was merely seeking to be properly equipped to fulfil its duties under the 1985 Act and to act in the best interests of the charity.

Councillor Dobbie asked that his dissent to above resolutions be recorded.

Alexandra Palace and Park Board 26 FEBRUARY 2008

Would Members of the Board please note the following comments of the Chief Financial Officer of the LB Haringey and read them in conjunction with the UNRESTRICTED reports circulated for consideration.

Item 6. - Audit of accounts 06/07

The Chief Financial Officer is unable to comment yet as the report is marked to follow.

Item 7 - Budget Estimate 08/09

The Chief Financial Officer notes the proposed estimate for 2008/09.

In respect of the building repairs, maintenance and works lines with the equipment replacement lines it is noted that there have a number of one-off discretionary items in and this is significantly higher than the current years projected spend. The Chief Financial Officer recommends that £0.2m of the £0.789m is not committed to these items. The Chief Financial Officer also recommends that £0.2m is set aside for continuation of the lease transfer/development and that expenditure against this is reported to the Board separately. The Chief Financial Officer recommends overall that the budget of £1.68m as proposed be approved with the adjustments outlined.

Item 8 – Heritage Lottery Fund Landscape Development Project

The Chief Financial Officer notes the delivery of the project within the fixed grant and council support funding available.

Item 9 - Future of the Asset – Verbal update by the Consultant Development Manager

The Chief Financial Officer has advised that as this is a verbal update it is not possible to comment on the content.

Item 10 – Asbestos Management

The Chief Financial Officer has advised that as the report is for noting la The report is for noting, the report makes it clear that the cost of any removal works is prohibitive and it was always intended that this would happen as part of the re-development. The Chief Financial Officer agrees that the actions taken to restrict access are the only cost effective solution available to the Trust.

Item 11 – Planning application and Listed Building Consent by Airwave Solutions Ltd

The Chief Financial Officer has questioned as to whether this will impact on the rental income of the Trust.

By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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