
Special Alexandra Palace and Park Board

WEDNESDAY, 25TH OCTOBER, 2006 at 18:00 HRS – COMMITTEE ROOM 1, CIVIC CENTRE, HIGH ROAD, WOOD GREEN, LONDON N22

Councillors:

Councillor Adje (Chair), Egan (Vice-Chair), Beacham, Hare, Peacock, Rainger, Thompson.

Non-voting representatives:

Ms V. Paley, Mr M. Tarpey and Mr N Wilmott
(Alexandra Palace and Park Consultative Committee).

Observer:

Mr D. Liebeck (Chair, Alexandra Park and Palace Advisory Committee).

AGENDA

1. APOLOGIES FOR ABSENCE

To note any apologies for absence.

2. URGENT BUSINESS

The Chair will consider the admission of any late reports, related to items 4 and 6 below, which will be considered under that agenda item

3. DECLARATIONS OF INTEREST

A member with a personal interest in a matter who attends a meeting of the authority at which the matter is considered must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

A member with a personal interest in a matter also has a prejudicial interest in that matter if the interest is one which a member of the public, with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice the member's judgement of the public interest.

4. APPLICATION FOR PERMISSION OF CHARITY COMMISSION TO ENTER INTO A LEASE WITH FIROKA (ALEXANDRA PALACE) LIMITED (PAGES 1 - 10)

To present to the Board the course proposed by the Charity Commission whereby the charity will be authorised to grant Firoka a long Lease

5. EXCLUSION OF THE PUBLIC AND PRESS

The following items are likely to be subject of a motion to exclude the press and public from the meeting as they contain exempt information as defined in section 100A of the Local Government Act 1972; namely information relating to the business or financial affairs of any particular person (including the Authority holding that information), and information which is likely to reveal the identity of an individual.

6. THE MANAGEMENT OF THE RESIDUAL FUNCTIONS OF THE CHARITY (REPORT OF THE HEAD OF PERSONEL - LB HARINGEY) (TO FOLLOW)

To consider recommendations on the management requirements post transfer of the asset.

e: Under Standing Order 32.6 no other business shall be considered at the meeting.

Yuniea Semambo
Head of Member Services

Clifford Hart
Principal Support Manager (Council)

River Park House
225 High Road
Wood Green
London N22 8HQ

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17 October 2006

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ALEXANDRA PALACE & PARK BOARD (SPECIAL)

Agenda Item No

25 OCTOBER 2006

REPORT OF HOWARD KENNEDY, THE TRUST'S SOLICITORS**RESPONSIBLE PARTNER:** Iain Harris Tel: 020 - 7546 8986**REPORT TITLE:** Application for permission of Charity Commission to enter into a lease with Firoka (Alexandra Palace) Limited**REPORT AUTHORISED BY:** Iain Harris of Howard Kennedy of 19 Cavendish Square, London W1A 2AW.
Trust's Solicitors.**1. PURPOSE**

- 1.1 To present to the Board the course proposed by the Charity Commission whereby the charity will be authorised to grant Firoka a long Lease
- 1.2 To seek the Board's approval to the making of an application for an order.

2. SUMMARY

- 2.1 Instead of a Section 36 Charities Act 1993 Order the Commission suggests an order containing a scheme. The Board is invited to approve this course and apply for an order containing a scheme.

3. RECOMMENDATIONS

- 3.1 The Board considers this paper and, subject to any questions members have, resolve to complete the Charity Commission application for an order containing a scheme.

4. LOCAL GOVERNMENT (ACCESS TO INFORMATION)

ACT 1985

4.1 Our correspondence files

5. THE REPORT

5.1 The Charities (Alexandra Park and Palace) Order 2004 empowers the Trustees, subject to the consent by Order of the Charity Commissioners, to grant a lease of the whole or part or parts of the Palace and its immediate surrounding area.

5.2 Following the coming into force of the 2004 Order the Charity Trustees have undertaken, with the benefit of comprehensive professional advice, a selection process.

5.3 At the Board's Special Meeting on 27 March 2006 the Board resolved at AP036.(ii) and (iii) to authorise commencement of detailed negotiations with Firoka and to seek a Section 36 Order from the Charity Commission.

5.4 The Board subsequently, at its meeting on 24 July 2006, approved draft documentation and delegated authority for drafting changes to the General Manager.

5.5 In accordance with the Board's resolutions we have on behalf of the Trustees engaged in correspondence with the Charity Commission. The Commission has now invited the Trustees to apply for a scheme authorising the grant of a lease to Firoka (Alexandra Palace) Limited.

5.6 There is a technical point that we need to make. In the current context there are two relevant mechanisms whereby a lease can be authorised. The first is by means of an Order containing a scheme under Section 16 of the Charities Act 1993. The second is by an Order under Section 36 of the Charities Act 1993.

5.7 The Commission has indicated that the first of the above mechanisms would be appropriate because this would give a legal basis and clear procedure for giving public notice inviting and considering representations. This process also accords with an undertaking given by the Minister during the course of the Parliamentary debate in January 2004 on what became the 2004 Order. On that occasion the

Minister indicated that the Commission would publish a draft of the Order and invite and consider representations.

- 5.8 The Commission has now provided a draft of the Order which is appended to this paper as Appendix A. There is also appended at Appendix B an application for a scheme by the Trustees.
- 5.9 The Board is invited to make any observations members may consider appropriate on the draft Order and subject thereto are invited to resolve to approve the draft and make a formal application for a scheme.
- 5.10 If the Board so approve and resolve the Commission will advertise its intention to make the Order giving a period of one month for representations to be made to it.

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**ORDER OF
THE CHARITY COMMISSIONERS FOR ENGLAND AND WALES**

To authorise the trustees to enter into a lease
under the power given in the Charities (Alexandra Park and Palace) Order 2004

dated

xxx

for the charity known as

ALEXANDRA PARK AND PALACE (281991)

in the

Borough of Haringey, London

Commissioners' References:

Sealing:

Case No: 522431

ORDER

1 In this Order:

“the lease” means a lease substantially in the form of the draft provided to the Charity Commission on 28 March 2006 in respect of land at Alexandra Palace for a term of 125 years and between the trustees and [name of newco] and Firoka Kings Cross Limited.

“the charity” means the charity identified at the beginning of this Order.

“the trustees” means the trustees of the charity acting under this Order.

“the development agreement” means []

“the tenant” means []

“the governing documents” mean the Alexandra Park and Palace Acts 1990 - 1985, the Alexandra Park and Palace Order 1966 and the Charities (Alexandra Park and Palace) Order 2004.

2 The Commissioners being satisfied that the grant of the lease will be within the power to lease granted by the Charities (Alexandra Park and Palace) Order 2004 and that the trustees have taken sufficient steps to ensure that the grant of the lease represents a proper exercise of that power, make the following Order under the Charities (Alexandra Park and Palace) Order 2004.

3 The trustees may, subject to the provisions in clauses 4 and 5 of this Order, grant the lease to [] within three months of the date of this Order.

4 (1) The trustees shall throughout the term of the lease, frequently and regularly monitor and review the performance by the tenant of the covenants contained in the lease and shall, before the execution of the lease, devise proper procedures for doing so.

(2) Those procedures shall address in particular, covenants which restrict the use of the leased premises to uses consistent with the legislation establishing and regulating the charity and covenants preventing the use of the leased premises interfering with the use of the charity's retained land.

5 (1) The trustees shall, at the same time as granting the lease, enter into the development agreement with [].

(2) The development agreement must identify the development works to be carried out in suitably defined phases with means to identify the performance (or non performance) of development obligations and the completion of each phase.

(3) The development agreement shall also include the valid guarantee of a suitably secure guarantor in respect of those obligations and any cap on the guarantee shall not, in the trustees' reasonable opinion based on appropriate professional advice, materially prejudice the charity given the risks of non-performance or part performance of each phase and the risk of cost over-runs.

-- E N D --



Application for a Scheme by the trustees of an unincorporated charity
Charities Act 1993

RED-ST1(A)

Notes

Before completing PART 1, please read these notes

- What is an unincorporated charity?** A charity which cannot act in its own name. It acts through and in the name of its trustees. It will normally have a governing document such as a deed, will, constitution, rules or Scheme of the Commissioners.
- Who are the "trustees"?** They are the persons who have general control and management of the administration of the charity, even though they may not be called "trustees". This includes boards of governors and committees or councils of management.
- How should this form be completed?** If the charity's income from all sources is **£500 a year or less**, this form can be signed by:
 (a) one or more of the trustees; or
 (b) two local inhabitants; or
 (c) any other person who is interested in the charity.
Parts 1 and 2 of the form must be completed in all the above cases.
- If the charity's income is **more than £500 a year** the form should be signed by:
 (a) all the trustees; or
 (b) a majority of them; or
 (c) a quorum (if the governing document provides for one); or
 (d) one or more persons authorised by the trustees to sign on their behalf.
- The form must be completed as follows:
Parts 1, 2 and 3 in the case of (a), (b) and (c) above
Parts 1, 2 and 4 in the case of (d) above.
- Do the trustees have to publicise the Scheme?** Yes. It is a legal requirement. The Commissioners will tell the trustees when and how to do this. Leaflet CC36 explains the Scheme procedure in detail.
- What if the charity is incorporated or administered by a corporation?** Do not use this form. Ask for form CHY-ST1(B).

Part 1

Charity Details – complete in all cases

Name of charity(ies)

Place

County

Charity Commission reference number

Now complete Part 2

Part 2

Trustee Details – complete in all cases

The names and addresses of ALL current trustees should be provided. PLEASE PRINT OR TYPE.

Full name

Full address

1	
2	
3	
4	
5	
6	
7	
8	
9	
10	
11	
12	
13	
14	
15	
16	

Please continue on a separate sheet as necessary

Now complete either Part 3 or Part 4

Part 3 Application by Signature

Part 4(a) Application by Resolution

Complete only Part 3 or Part 4

Please sign against your name

Please tick one of the boxes to show trustees present at meeting

We, the undersigned, apply for a Scheme for the charity or charities listed in Part 1 of this form

Yes

No

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16

	Yes	No
1	<input type="checkbox"/>	<input type="checkbox"/>
2	<input type="checkbox"/>	<input type="checkbox"/>
3	<input type="checkbox"/>	<input type="checkbox"/>
4	<input type="checkbox"/>	<input type="checkbox"/>
5	<input type="checkbox"/>	<input type="checkbox"/>
6	<input type="checkbox"/>	<input type="checkbox"/>
7	<input type="checkbox"/>	<input type="checkbox"/>
8	<input type="checkbox"/>	<input type="checkbox"/>
9	<input type="checkbox"/>	<input type="checkbox"/>
10	<input type="checkbox"/>	<input type="checkbox"/>
11	<input type="checkbox"/>	<input type="checkbox"/>
12	<input type="checkbox"/>	<input type="checkbox"/>
13	<input type="checkbox"/>	<input type="checkbox"/>
14	<input type="checkbox"/>	<input type="checkbox"/>
15	<input type="checkbox"/>	<input type="checkbox"/>
16	<input type="checkbox"/>	<input type="checkbox"/>

Please continue on a separate sheet as necessary

This form is now ready to be sent to the Charity Commission

Now complete Parts 4(b) and 4(c)

Part 4(b)

Resolution by trustees authorising person(s) to apply

Only complete Parts 4(b) and 4(c) if Part 4(a) has been completed

We, the trustees authorise

Resolution passed at a meeting of the trustees

Two empty rectangular boxes for the resolution text.

to apply to the Charity Commissioners for a Scheme for the charity or charities listed in Part 1.

- Number of trustees Voting for the resolution
- Voting against the resolution
- Abstaining from voting

Part 4(c)

Application by person(s) authorised by resolution at 4(b)

I/we, the person(s) authorised by resolution of the trustees at 4(b) above now apply for a Scheme.

Signed

Two empty rectangular boxes for the signature.

Names (in BLOCK CAPITALS)

Two empty rectangular boxes for the names in block capitals.

Part 5

Please send completed form to the following address

Charity Commission
 Harmsworth House
 13-15 Bouverie Street
 London
 EC4Y 8DP

Charity Commission
 12 Princes Dock
 Princes Parade
 Liverpool
 L3 1DE

Charity Commission
 8th Floor
 Clarence House
 Clarence Place
 Newport
 NP19 7AA

Charity Commission
 Woodfield House
 Tangler
 Taunton
 TA1 4BL

*PO Box 1227
 Liverpool, L69 3UG*