



Briefing note: Advisory and Consultative Committee briefing

Date: July 2019

1. Introduction to Alexandra Park and Palace Charitable Trust

Alexandra Park was opened in 1863 as a leisure destination. The original parkland was landscaped by Alexander McKenzie as a centre for education and entertainment and to provide a green oasis for Londoners.

Alexandra Palace was opened in 1873. Built as the 'People's Palace', this remarkable seven-acre Grade II listed building remains one of London and the UK's most iconic structures and enjoys global recognition as the birthplace of television.

Today Alexandra Palace is surrounded by 196 acres of Grade II listed parkland and offers unprecedented views of the city. The multi-award winning destination maintains its original enterprising spirit by hosting an eclectic mix of live music, sport, cultural and leisure events, formal and informal recreation and enjoyment throughout the year, inside and out.

Alexandra Park and Palace was placed in trust by Act of Parliament in 1900. The Charity was effectively created when the Park and Palace were placed in Trust. Several Acts since have conferred further powers or enacted amendments.

In 1980 the functions of the trustees were transferred to Haringey Council, making it the Corporate Trustee. A further Act was passed in 1985 amending the previous legislation. The 1985 Act is a consolidation of the previous Acts and acknowledges the transfer of the functions of the Trustees from the Greater London Council to Haringey Council.

The Charitable Assets of the Park and Palace have been designated as a Local Nature Reserve, it is covered by several Statutory Conservation areas, it is also designated Metropolitan Open Land. Byelaws were established in 1929 and are still in force.

In recent years the Trust has successfully attracted restoration funding and has embarked upon a programme of fundraising for the longer term. Whilst financial sustainability has not yet been achieved it is less of a distant reality than it was a decade ago.

1.1 The functions of the Trustees are detailed in the 1900 Act and updated in subsequent Acts, the 1985 Act states that:

- The Trustees are under a statutory duty to uphold, maintain and repair the Palace and to maintain the Park and Palace as a place of public resort and recreation and for other public purposes:
- To reconstruct and repair the Palace in a manner which will enable the Trustees to promote the use and enjoyment of the said Park and Palace by the public:
- The Trustees intend in fulfilling their statutory duty under the said trusts to take into account the contemporary needs of the public:
 - They shall maintain, uphold and improve the existing theatre in the Palace...

- They may let or license at the best rent that can reasonably be obtained any portion of the Park and Palace (subject to any covenants and conditions)...
- They may close any part of the Palace and Park for not more than fourteen days in any one year
- They may sell, let or otherwise dispose of the whole or any part of, or the whole or any part of any interest in land acquired by them after the passing of the 1985 Act together with any building or buildings erected thereon but may not without further authorisation dispose of property acquired pre 1985
(*Alexandra Park and Palace Act, 1985, Chapter xxiii*)¹

1.2 Alexandra Park and Palace Charitable Trust (APPCT) is a charity registered with the Charity Commission. The Charity encompasses the assets of Alexandra Park and Palace and the functions of the Trustees.

The Trust is responsible for the care and maintenance of the Park and the Palace. It is a challenging task, overcoming the dereliction of decades, backlog of repairs and ongoing maintenance to keep both safely open for the public to enjoy.

The Trust aims to maintain and strengthen this proud and iconic landmark destination as a successful, valuable and sustainable asset for all, including our local community and stakeholders.

The Trust delivers charitable activities, including maintaining, restoring and repairing the Park and Palace, delivering a creative learning programme and volunteering programme.

The Trust is required by charity legislation and regulation to contain activities considered 'commercial' within a trading subsidiary to protect the assets from the risks associated with trading. Our trading subsidiary, Alexandra Palace Trading Ltd, (APTL), is wholly owned by the Trust and donates its taxable profit to the Trust in the form of Gift Aid. These activities include events, entertainment, and leisure and hospitality activities. The activities support the charitable purposes by providing not just essential resource to the Trust but enlivening the venue for the purposes of its creation and encouraging a broad cross section of the public to access and enjoy it.

2. The Trustee Board and functions

Haringey Council discharges its duties as Corporate Trustee via a Council Committee, the Trustee Board, to which it delegates its power and authority as Trustee. The Charity is subject to general UK law including company law, in relation to its trading subsidiary.

2.1 Trustee Board remit - To discharge the trustee functions.

The Council's functions as statutory trustee of the Alexandra Palace and Park charitable trust are discharged by the Alexandra Palace and Park Board.

To fulfil the functions, powers and duties of the Council as Trustee of Alexandra Palace and Park under the Alexandra Park and Palace Acts and Order 1900 to 1985 and, without prejudice to the generality of this, these functions include:

- *The duty to uphold, maintain and repair the Palace and to maintain the Park and Palace as a place of public resort and recreation and for other public purposes.*

¹ The 1985 Act lists the above and then amends the 1900 Act

- *Acting as the employing body for employees engaged in the working of the Trust at Alexandra Palace, and to be responsible for the setting of staffing policies, conditions of service and terms of employment of those employees.*
- *In relation to the Trust, being responsible for developing and monitoring the implementation of effective policies and practices to achieve equality of opportunity both for employment and service delivery.*

2.2 Trustee Board Membership

- 6 Council appointees (elected members)
- 3 appointees from the Consultative Committee
- 1 appointee from the Statutory Advisory Committee.

The members appointed by the Council to the Board must always act in the best interests of the Charity, above all other considerations.

The Trust is not required by the Act of Parliament to include any members of the SAC or CC onto the Board. Members of the Board appointed by the Consultative Committee and Statutory Advisory Committee have no voting rights on the Board and have no delegation of authority conferred upon them, other than their own appointing committees' terms of reference.

However, as they are part of the body of the Board, who are considered to have the management and control of the Charity their participation in discussions and decisions could qualify them as Trustees or quasi-trustees. The appointees of the SAC and CC are therefore considered co-optees. Co-optees have no voting rights.

As per the constitution of the SAC and CC committees these representatives have a duty to represent the views of the Committees on the Board and to report back to the Committees from each Board meeting, as stated by the Haringey Council Constitution. This can give rise to conflicts of interest when the best interests of the Charity can be compromised if inappropriate information is disclosed or information disclosed ahead of time.

Co-optee members therefore need to exercise careful judgement to comply with the 'best interests' of the Charity at all times.

3. **The Advisory Committee (SAC)**

The Advisory Committee, often referred to as the Statutory Advisory Committee or SAC was created by the 1985 Act of Parliament amendments.

3.1 Terms of reference

To promote the objects of the Charity and assist the Trustees in fulfilling the trusts by considering and advising the Trustees on the following matters:

- the general policy relating to the activities and events arranged or permitted in the Park and Palace;
- the effects of such activities and events upon the local inhabitants and local environment;
- the frequency of activities and events attracting more than 10,000 people at any one time and the maximum number to be permitted on such occasions;
- the adequacy of car parking arrangements within the Park and Palace so as to avoid overflow into adjoining residential streets;
- any proposals which require planning permission;
- the establishment and maintenance of the Park as a Metropolitan Park;
- the furtherance of recreation and leisure in the Park and Palace.

3.2 Membership

The SAC consists of up to 16 members;

- 8 Council members from the surrounding wards (Alexandra, Bounds Green (formally known as Bowes Park), Fortis Green, Hornsey, Muswell Hill and Noel Park) , and;
- 8 representatives from residents associations which meet specific requirements as set out in the 1985 Act.

3.3 Administration

The SAC is an independent body that can choose how it is to be administrated.

The SAC is an outside body of the Council, currently administered as a Council committee under the Council's committee procedure rules.

The SAC elects a committee chair from its own membership.

The Council is responsible for all aspects of its administration including ensuring annual appointment deadlines are met.

As a Council committee the paperwork for meetings, agendas and minutes are compiled, collated and distributed by the council. The council clerks the meetings.

The SAC elects one of its members onto the APPCT Board annually.

For reasons of convenience the SAC meets jointly with the CC detailed below, under the title of 'Joint consultative committee' as many of the issues for discussion are the same. However as the Trust is required by statute to seek the advice of the SAC on the matters stated above, the SAC meets immediately after the Joint committee to consider its specific advice to the Trustee, as appropriate.

4. **Alexandra Palace and Park Consultative Committee (CC)**

Arising from the Council's role as Trustee of Alexandra Park and Palace the Consultative Committee was created in the 1980s.

4.1 Terms of reference

- To give representatives of appropriate local and national organisations the opportunity of full discussion with members of the Alexandra Palace and Park Board on general matters affecting Alexandra Palace and Park.
- To give members of the Alexandra Palace and Park Board the opportunity of discussing and explaining to the organisations matters affecting the overall policy and efficient management of Alexandra Palace and Park.
- To promote better understanding between members of the Alexandra Palace and Park Board, the Palace Management and local organisations.
- To enable appropriate local (and national) organisations to be fully consulted on decisions of direct concern to them.
- To promote the best interests of the Alexandra Palace and Park as a conservation area.

4.2 Membership

- 6 Councillors who are also the APPCT Trust Board members,
- up to 30 community group representatives.

The CC elects 3 of its members on to the APPCT Board annually, as non-voting members.

4.3 Administration

The CC is a sub-committee of the Trustee Board.

The CC is currently administered as a Council Sub Committee.

The CC elects a committee chair from its own membership.

The Council is responsible for all aspects of its administration, ensuring annual appointment deadlines are met.

As a Council committee the paperwork for meetings, agendas and minutes are compiled, collated and distributed by the council. The Council clerks the meetings.

The CC elects 3 of its members on to the APPCT Board annually, as non-voting members.

For reasons of convenience the CC meets jointly with the SAC detailed above, under the title of 'Joint consultative committee' as many of the issues for discussion are the same.

5. **The Joint Consultative Committee**

As mentioned above the two committees meet together for convenience. The meetings are administered by the Council as per the individual committees. The Chair of the Joint Committee is normally one of either the Chair of the SAC or CC.

6. **Points to remember**

- The Trustee Board has a duty to seek the advice of the SAC and to consult the CC on matters detailed above.
- It is not obliged to follow the advice or consulted opinion of the SAC or CC. The Trustee Board must always put the best interests of the Charity first.
- It is best practice for the Trustee Board to respond to the Committees' advice and consulted opinion.
- The Committee chairs should when providing advice or opinion to the Trust be mindful of the terms of reference of their committees.
- The Trust produces a Trust report from the CEO for meetings to give an update on various aspects of the Trust work, for information. Specific issues for consultation or advice are presented as individual agenda items.