

**Unrestricted Minutes of the Alexandra Palace and Park Board
11 April 2006**

DRAFT

ITEM 7 (iii)

Councillors: * Manheim (Chair), *Dillon (Deputy-Chair), *Haley, *Krokou, Reynolds, Robertson, Hare and *Hoban.

Non-voting representatives: Ms V. Paley, Mr M. Tarpey and *Mr N Wilmott

Observer: Mr D Liebeck - Chair, Alexandra Park and Palace Advisory Committee

*Members present.

Also present:

Tessa Kimber	Berwin Leighton Paisner (Legal)
Laurie Heller	Berwin Leighton Paisner (Legal)
Ian Harris	Trust Solicitor
Keith Holder	General Manager – Alexandra Palace
Ken Harrington	Head of Finance – Alexandra Palace
Matt Baker	Parks Development Manager – Alexandra Palace
Clifford Hart	Principal Support Manager (LB Haringey) – Clerk to the Board

AP054 APOLOGIES FOR ABSENCE (Agenda Item 1): Apologies for absence were received on behalf of Councillors Hare and Robertson, and Mr Tarpey and Ms Paley.

AP055 DECLARATIONS OF INTERESTS (Agenda Item 2):

Nil.

AP056 URGENT BUSINESS (Agenda Item 3):

The Clerk – Mr Hart, advised that whilst there were no items of urgent business a briefing in relation to Item 9 had been TABLED and the Parks Manager would give a verbal update to accompany this.

NOTED

AP057 MINUTES (Agenda Item 4): (1) Meetings of the Alexandra Palace and Park Board held on (a) 07.02.06, Special meeting held on (b) 30.01.06, and (c); (2) to approve the minutes of the Consultative Committee held on 04.04.06 and (3) to receive the minutes of the Advisory Committee held on 03.04.06.

(1)(a) Alexandra Palace and Park Board – 07.02.06

RESOLVED

That the Minutes of the meeting of the Board held on 7 February 2006 be approved and signed by the Chair.

(1)(b) Special Alexandra Palace and Park Board – 30.01.06

RESOLVED

That the Minutes of the special meeting of the Board held on 30 January 2006 be approved and signed by the Chair.

(2) Alexandra Palace and Park Consultative Committee – 04.04.06

The Clerk advised that the Minutes were drafted but not available for consideration.

NOTED

(3) Alexandra Palace and Park Advisory Committee – 03.04.06

The Clerk advised that the Minutes were drafted but not available for consideration. However the Board had been circulated with the deliberations and recommendations to the Board arising from that meeting , and the deliberations of the Advisory Committee were now before the Board for its consideration.

The Chair advised that the Board would consider the deliberations at this point in the proceedings.

Mr Liebeck, in his capacity as Chair of the Advisory Committee, advised the Board of the deliberations of the Advisory Committee of 3 April 2006 in response to the replies of the Alexandra Palace and Park Board on 30 January 2006 (relating to the 7 points of advice and recommendations arising from the meeting of the Advisory Committee on 24 January 2006) as follows:

That the Alexandra Palace and Park Board be requested to consider the following resolutions of the Advisory Committee of 3 April 2006 as detailed below.

With regard to the CUFOS lease, that the developer be required to commit to maintain a community use for the premises on favourable terms with CUFOS or another similar party at the end of their lease term (2011) to ensure that the premises continue to be used as a community facility at an affordable rent.

In response the Trust Solicitor – Mr Harris responded that his advice to the Board was that it was for the current occupier – CUFOS to negotiate a lease with the new landlord in 2011 after the expiry of the existing lease. The legal advisers to CUFOS had recommended to them, and CUFOS had therefore not negotiated a lengthy lease, and it would then be for them to negotiate a new lease in 2011 should they wish to continue to occupy the premises.

In response to further points of clarification Mr Harris advised that the Board, if it so wished, could indicate a preferred approach by the

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developer to continued community use but should not be imposing a requirement such as that recommended by the Advisory Committee. It would also be inappropriate of the Board of Trustees to add this as a requirement at this late stage in the process of negotiation.

The Chair then summarised and the Board;

RESOLVED

That in respect of the request of the Advisory Committee in respect of the CUFOS Lease arrangements the Board expresses a preference to the preferred investment partner to continued community use of the premises currently occupied by CUFOS upon expiry of the CUFOS lease in 2011.

The Board review its response and note the Advisory Committee's criticism of:

- (a) the Board's refusal to extend its period of public consultation in respect of the submitted plans for the development of the Palace;
- (b) of the lack of public consultation with the local community in respect of the development brief and the refusal to agree an extended period of public consultation prior to the expiry of the bid submission deadline;
- (c) That since 30 January 2006 there has been no consultation with the local community as to the proposed development although the Board advised that this would be requested, and that such consultation should be carried out forthwith and in accordance with the 8 principles of consultation adopted by LB Haringey;
- (d) Additional comment:

that the Board be reminded of its duties to consult the Advisory Committee and take note and give due and proper regard to the recommendations of the Advisory Committee in accordance with the Alexandra Park and Palace Act 1985 Part 9 (3):

'The Trustees shall consult the Alexandra Park and Palace Advisory Committee on all matters specified in paragraph 19 of Schedule 1 of this Act, shall have due and proper regard to advice from the said Committee on those matters and shall use their best endeavours to give effect to such reasonable recommendations of the said Committee as are expedient in the interests of the charity and consistent with the trusts thereof. '

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In response to the points and clarification of issues by Members the General Manager – Mr Holder reiterated his previous comments that there would be a considerable level of consultation by the selected investment partner once discussions on the heads of terms and the subsequent lease and building agreement were concluded. At this stage Firoka will be developing planning applications and it is they who would be carrying out the consultation with interested bodies. The information provided by Firoka was the only information submitted and had been in the public domain in accordance with the laid down timetable agreed by the Board. Mr Holder stressed that what had happened previously had not in any way constituted a process of consultation and it was not intended that it should. It is at the stage of planning applications being prepared for the various development stages that the process of detailed consultation would be carried out.

The Chair summarised and the Board agreed to note the aforementioned comments expressed by the Advisory Committee.

NOTED

Future of the Asset

Mr Liebeck advised that the Advisory Committee, in considering the future of the asset had asked that the Board note and give due and proper regard to the following recommendations and indicate whether or not it intends to accept the same :

1. that the name 'Alexandra Palace' be retained in the future development of the palace and that this requirement be imposed on the new tenant;
2. that in respect the Notice of proposed disposition under Section 36 of the Charities Act 1993, the Advisory Committee objects to the inclusion of the roadway and southern extension in respect of the lease to be granted to the Firoka Group, and expresses its surprise that a public notice (which the General Manager stated as being inaccurate) should be displayed in such an inaccurate form;
3. that the Board of Trustees be requested to ensure that the developer (the Firoka Group) is obliged to consult with the Committee in such manner and to like extent as the Board is required by the Act, so as to mirror the statutory relationship between the Advisory Committee and the Board, to include a provision whereby the appropriate responsible officer(s) of the developer (the Firoka Group) be obliged to attend future meetings of the Advisory Committee, as currently the General Manager appointed by the Board ;
4. that in respect of the future development of the Palace and the use of parking facilities by patrons, the Advisory Committee recommend that no charge should be made for public parking in those areas within the development footprint save where and in so far as expressly permitted by the Act; and

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5. that the Board be requested to ensure that a full traffic survey be undertaken and provided as soon as possible and before the proposal be finally accepted.

With regard to the first point in terms of the future name of the Palace Members sought clarification from the General Manager as to appropriate to insist that the Firoka Group keep the existing name and that that this be explicitly imposed as a condition. Members also sought clarification regarding the legal standing of the actual name, and who had the rights to the name.

Mr Holder responded that the name could not be patented given the whole number of organisations that used the name in their publicity etc. No one body or organisation had any rights to the name 'Alexandra Palace'. However it would be possible to recommend that the name Alexandra Palace remain and that this request could be passed to the project team for consideration in the negotiation process. Mr Harris also advised that the name could not be imposed on the preferred bidder nor were they obliged retain the name 'Alexandra Palace'. However there was no reason why the Board could state to the preferred developer that the name 'Alexandra Palace' was its preference for the name of the building.

Councillor Hoban commented that he disagreed with the fact that the name could not be imposed and felt strongly that it should be imposed. In response Mr Harris commented that should there be an insistence that the name be imposed this could have an effect of being a 'deal breaker' during the process of the final negotiations and one that could affect the outcome of the contract.

The Chair felt and the Board agreed that the Board was within its rights to state to the selected preferred bidder that it had a preference for the building to be named 'Alexandra Palace', and it was:

RESOLVED

That the selected preferred bidder be asked to consider the Board's desire for a preference for the building to retain its existing name of 'Alexandra Palace' and be named 'Alexandra Palace' only, following the taking over the building by the selected preferred bidder.

Mr Liebeck then referred to the Notice of proposed disposition under Section 36(6) Charities Act 1993 and that the Advisory Committee had objected to the inclusion of the roadway and southern extension in respect of the lease to be granted to the Firoka Group, and it had also expressed its surprise that a public notice (which the General Manager stated as being inaccurate) should be displayed in such an inaccurate form.

In response Mr Harris advised that the 'footprint' map as circulated was not inaccurate as this was in fact the footprint of the area in question. The Section 36 notice was a required statutory instrument which stated the powers that the Trust had to let the foot print but that the Trust had chosen a different area within the footprint to be let. The Trust did have the power to

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let the road if it so wished but it had chosen not to. The road would be omitted from the lease.

The Chair advised that the Advisory Committee be informed of this fact accordingly.

RESOLVED

That the Advisory Committee be advised that the 'footprint' map as circulated was indeed not inaccurate as this was in fact the footprint of the area in question, and further that the Section 36 notice was a required statutory instrument which stated the powers that the Trust had to let the foot print but that the Trust had chosen a different area within the footprint to be let, and that the Trust did have the power to let the road if it so wished but it had chosen not to.

Mr Liebeck then referred to the concerns of the Advisory Committee that the Board of Trustees be requested to ensure that the developer (the Firoka Group) is obliged to consult with the Committee in such manner and to like extent as the Board is required by the Act, so as to mirror the statutory relationship between the Advisory Committee and the Board, to include a provision whereby the appropriate responsible officer(s) of the developer (the Firoka Group) be obliged to attend future meetings of the Advisory Committee, as currently the General Manager appointed by the Board. Mr Liebeck commented on the serious concerns of the Committee that the future link with the Board and the preferred developer would no longer exist.

In response Mr Harris advised that the Charity Commission had expressed its view in terms of the operation of the Advisory committee, and its statutory functions. There was no obligation on the part of the preferred bidder to have to attend and have dialogue with the Advisory committee. It was the Board who would have the direct contact with Firoka. Should Firoka wish to alter a part of lease etc then the trustees as landlord would have to consider such changes, and consult with the Advisory and consultative committees accordingly.

The Chair summarised and the Board **NOTED** the concerns of the Advisory Committee and the advice given by the Trust Solicitor in response, and that this response be forwarded to the Advisory Committee accordingly.

Following a brief discussion on the point in respect of the future development of the Palace and the use of parking facilities by patrons, and the Advisory Committee's recommendation that no charge should be made for public parking in those areas within the development footprint save where and in so far as expressly permitted by the Act the Board confirmed that that there would be no charge. With regard to the request that the Board ensure that a full traffic survey be undertaken and provided as soon as possible and before the proposal be finally accepted Mr Holder advised that the traffic management survey would be carried out by Firoka after the lease and contracts had been signed.

NOTED

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AP058 QUESTIONS (Agenda Item 5):

None were received

AP059 DEPUTATIONS/PETITIONS (Agenda Item 6):

The Chair advised that a deputation request had been received from the Alexandra Palace Television Group, and asked whether the Board was in agreement to hearing the deputation. The Chair also referred to the DVD circulated to all Board Members which told the story 'TV coming to Alexandra Palace' which, if the Board were so minded, would be shown to the Board prior to hearing the deputation.

The Board agreed to view the DVD and then hear the deputation.

The Board then viewed the contents of the DVD (approx 17 mins) and then received the deputation from Dr J. Lewis, on behalf of the Alexandra Palace Television Group. During the deputation Dr Lewis reminded the Board of the historic importance of the Palace, and the unique place it occupied in terms of television broadcasting around the world. Dr Lewis commented on the retained iconic mast, the original tv studios A & B and their history and the first broadcast by the BBC in 1936. Dr Lewis also advised of the transmitter modifications during the second World War which were successful in jamming the navigation systems of German Bombers sent to attack UK targets, and also in the 1950's the Palace assisted in the development of colour television. Dr Lewis briefly concluded by referring to the Palace's location in terms of the post war industrial and electronic technological revolution in the Lee Valley.

The Chair thanked Dr Lewis for his deputation and asked if there were any questions from Members. Members sought and received clarification from Dr Lewis as to the importance of the Studios A, and the view of the BBC as to the importance of the Palace given its historical importance.

NOTED

AP060 TO CONSIDER REQUESTS FROM ORGANISATIONS FOR REPRESENTATION ON THE ALEXANDRA PALACE AND PARK CONSULTATIVE COMMITTEE (Agenda Item 7):

ALEXANDRA PALACE TELEVISION GROUP

ALEXANDRA PALACE ALLOTMENTS ASSOCIATION

FRIENDS OF ALEXANDRA PALACE PARK

The Clerk to the Board – Mr Hart, advised the Board that each organisation has furnished details of their organisation's constitution, and AGM or

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inaugural meeting. In accordance with the requirements of the constitution of the Alexandra Palace and Park Consultative Committee (circulated) the requests were therefore put to the Board for consideration. Mr Hart informed the Board that having considered each Group's submissions each met the criteria for membership of the Consultative Committee. Mr Hart also advised that copies of each organisation's written requests for representation and copies of each organisation's Constitution/AGM or inaugural meeting had been circulated to Board Members for information.

In response to questions from Councillor Haley in respect of Councillor Hare's membership on both the Allotments Association, and the Television Group the Trust Solicitor – Mr Harris advised that it was for the individual to determine whether they had a personal conflict and to take the necessary steps to avoid such conflict.

Councillor Haley further asked why neither of the other two groups had not had the decency to attend the Board meeting to address the proceedings in respect of their applications. In response Mr Harris advised that there was no requirement for each organisation to address the Committee in respect of their application and that that the appointment to the Consultative Committee was academic. The Television Group had addressed the Board not in their capacity as applicants to the Consultative Committee but as a group with an interest in the future of TV studios at the Palace.

The Chair then summarised and it was:

RESOLVED

That approval be given to applications received from the following organisations for appointment to the Alexandra Palace and Park Consultative Committee:

ALEXANDRA PALACE TELEVISION GROUP

ALEXANDRA PALACE ALLOTMENTS ASSOCIATION

FRIENDS OF ALEXANDRA PALACE PARK

AP061 OPERATING BUDGET (Agenda Item 8)

Mr Harrington, the Finance Manager, advised the Board of the 11 month result to the end of February 2006 and the forecast to the end of the year. Members were asked to note that the result for period 11 when compared with the budget for the same period showed a saving of £318K before development costs (set out in Appendix 1 of the report); representing an overall saving against budget of 14.4% for the comparable period.

RESOLVED

That the contents of the report be noted and agreed.

**AP062 HERITAGE LOTTERY FUNDED LANDSCAPE DEVELOPMENT PROJECT
UPDATE (Agenda Item 9):**

The Parks Development Manager - Mr Baker TABLED an update report of progress, a copy of which will be interleaved with the minutes. Mr Baker introduced this item which updated the Board on progress on the HLF refurbishment of the park and specifically highlighted the Landscape Contract, Buildings Contract, and Civils Contracts as detailed.

Mr Baker then responded to detailed concerns and questions from Members in relation to tree clearing and thinning, and the prevalent misconceptions of local residents that work was being directed by the preferred bidder, Firoka. In giving assurances that all works carried out as part of the agreed HLF contract, Mr Baker agreed to update the report in order for it to be circulated to members of the Advisory Committee, and Consultative Committee for their information. Mr Baker further responded to other particular comments in respect of the cleaning and maintenance of the playground toilets, and the general upkeep.

The Chair then summarised and it was:

RESOLVED:

- i. That the report be agreed and noted; and
- ii. That the Parks Development Manager update the report in light of perceived public misconceptions and arrange for it to be circulated to members of the Advisory Committee, and Consultative Committee for their information.

AP063 NEW ITEMS OF URGENT BUSINESS: (Agenda Item 10):

Nil

AP064 EXCLUSION OF THE PRESS AND PUBLIC (Agenda Item 11):

RESOLVED

That the Public and press be excluded from the proceedings as the following items contain exempt information as defined in section 100A of the Local Government Act 1972 namely; Para 3 – Information relating to the business or financial affairs of any particular person (including the Authority holding that information).

SUMMARY OF EXEMPT/CONFIDENTIAL PROCEEDINGS

AP065 MINUTES (Agenda Item 12):

Agreed the exempt minutes of the meetings of the Board held on 30 January 2006.

AP066 UPDATE – FUTURE OF THE –ASSET (Agenda Item 13):

NOTED

**VIVIENNE MANHEIM
Chair**