

**Informal Joint Meeting of the Alexandra Park and Palace Statutory Advisory Committee and the Alexandra Palace and Park Consultative Committee**

**on 5<sup>th</sup> April 2011**

Report Title: **Governance Update**

Report of: **Andrew Gill, Interim General Manager, Alexandra Palace & Park Charitable Trust**

**1. Purpose**

- 1.1 To report back on progress, following previous resolutions of the Board in the following areas:
- a) Recruitment of Independent Advisors to the Board
  - b) Master planning (the Alexandra Park & Palace Regeneration Working Group)
  - c) Structural changes to streamline processes and systems - the review of the APP Statutory Advisory Committee (APPAC) and Consultative Committee (APPCC).
  - d) Executive Restructuring and the recruitment of a Chief Executive Officer for Alexandra Park and Palace.

**2. Recommendations**

- 2.1 That the Committee notes the progress to date in implementing a number of its previous resolutions on Governance and Future Vision outlined in this report.
- 2.2 That the Committee notes that it will receive further reports on the matters covered in this report at future meetings of the Board.

Report Authorised by: **Andrew Gill, Interim General Manager**



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**3. Executive Summary**

- 3.1 This report updates the Board on progress in implementing a number of its previous resolutions on Governance and Future Vision.
- 3.2 Work is progressing on the recruitment of Independent Advisors to the Board and the Council will be asked on 4 April to grant the necessary delegated authorities to the Board to enable the recruitment, selection and appointment of the proposed independent advisors.
- 3.3 The work of the APPRWG is ongoing and the Options Analysis and Feasibility Study has (at the time of writing) reached Stage 3 Consultation – Internal and External and will next be moving into Stage 4 Analysis and Viability.

3.4 The Charity Commission has been engaged regarding the possibility of having a single Alexandra Park and Palace Statutory Advisory Committee, and Alexandra Palace and Park Consultative Committee and its response is awaited.

3.5 Work is progressing on the recruitment of a Chief Executive officer and Executive Search and Recruitment Consultants have been engaged to assist in this process.

3.6 The necessary changes to the Council's constitution Employment Procedure Rules will be considered at the meeting of Full Council on 4 April.

#### **4. Reasons for any change in policy or for new policy development (if applicable)**

4.1 Resolutions made by the Board at previous meetings during 2010 and 2011.

#### **5. Local Government (Access to Information) Act 1985**

5.1 N/A

### **6. Description**

6.1 At its meeting on 6 September 2010 the Board resolved to adopt an 'interim' model for structural change, including the appointment of Independent Advisors to the Board and a review of the Alexandra Park and Palace Advisory Committee and Alexandra Palace and Park Consultative Committee as the most appropriate phased approach towards the longer term aspiration of legal/financial independence.

6.2 At its meeting on 15 February 2011 the Board received an update on the remaining key tasks associated with developing the Governance of the Trust. Since that date there has been progress in implementing a number of these tasks and this is outlined in the report below.

6.3 At its meeting on 15 February 2011 the Board received a report on Executive Restructuring and the Board approved the initial process for the appointment of a new Chief Executive for Alexandra Park and Palace. Since that date there has been progress in implementing the Board's decision.

#### **6.4 The Appointment of Independent Advisors to the Board.**

6.4.1 The Board has previously discussed the terms of engagement, job description and recruitment process for the Independent Advisors and provided a steer to the IGM on these aspects of this task.

6.4.2 The Board has previously noted that the agreement of the Full Council of LB Haringey would be required prior to the appointment of Independent Advisors, as this was a variation to the Membership of the Board – albeit the Independent Members would only be appointed in a non voting advisory capacity.

6.4.3 The Board has been advised of the need to ensure that the matter was discussed through the political groups of the LB Haringey prior to submission at Full Council.

6.4.4 Arrangements were made to brief both the Labour and Liberal Democrat Groups in early January 2011.

6.4.5 A report has been prepared on behalf of the Board for the meeting of the Full Council on 4 April 2011. The report has been seen by the Interim General Manager and the Trust's Solicitor and it has a single recommendation from the Board to the Council;

“We ask that powers be delegated to our Alexandra Palace and Park Board to commence the recruitment, selection and appointment of the proposed independent advisors.”

6.4.6 Assuming that the Council approves the above recommendation, the formal process of recruitment, selection and appointment of the Independent Advisors may therefore commence after the statutory call-in period following the 4 April Full Council meeting.

## 6.5 Master planning (the Alexandra Park & Palace Regeneration Working Group).

6.5.1 At its meeting on 12 January 2010 the Board resolved to abandon its former strategy to award a long lease to a single developer, with a view to adopting a new Strategy for the regeneration of AP&P.

6.5.2 At its meeting on 6 September 2010 the Board resolved to approve the terms of reference and proposed membership of the Alexandra Park & Palace Regeneration Working Group (APPRWG) and to create that Working Group to oversee and give direction to the design, formulation and adoption of a sustainable regeneration strategy for Alexandra Park and Palace that will include the delivery of a strategic master Plan which will provide an integrated framework for future commercial and development delivery.

6.5.3 At its meeting on 21 December 2010 the Board was informed that that the APPRWG considered it vital that the Board clearly sets out its Vision for AP&P in order to set the parameters for the Master Planning process. This is important because the Vision is a very clear public statement of what the Board of Trustees wants to achieve for AP&P and for whom. The Mission Statement (essentially the Alexandra Park and Palace Act 1985) sets out what is in effect the object of the charity which is the purpose the Board must try to achieve.

6.5.4 The Board was also informed at its meeting on 21 December 2010 that the APPRWG had appointed a sub-group chaired by the Vice Chair of the APPRWG to review the work previously done in this area, including the stakeholder liaison and one-to-one meetings undertaken by Harrison:Fraser as part of the Future Vision Review during 2009 and early 2010.

6.5.5 The sub-group comprised of senior officers from Alexandra Palace and Haringey Council (including the Interim General Manager). It ensured that in considering a draft Mission Statement and Vision this work was clearly grounded in the quotes, phrases and aspirations of the stakeholders and Board Members as expressed during the extensive one-to-one interviews held in the autumn of 2009.

6.5.6 Therefore, both the Mission Statement and the Vision were influenced by feedback from stakeholders and interested parties during the Governance and Future Vision review conducted during late 2009 and 2010 and the Board accordingly approved the proposed Mission Statement and Vision.

6.5.7 The sub-group of the APPRWG was tasked with the next stage in the project plan which was to deliver an Options Analysis and Feasibility Study of Alexandra Palace and Park, which will identify suitable uses for the various parts of the site. The study will inform a subsequent master planning exercise which will in turn assist the Board in determining its future strategy for Alexandra Park and Palace.

6.5.8 The Board was informed at its meeting on 15 February 2011 that the APPRWG had sought tenders for the Study and it had selected Locum Consulting as the successful bidder and

the contract was awarded by Haringey Council as approved by the Director of Urban Environment.

6.5.9 The APPRWG met on 1 March 2011 and received a presentation from Locum which covered their progress to date and sought approval for the next steps of the project, including the arrangement of a trustee Briefing Session on 1 March and two Stakeholder Meetings on 10 and 12 March.

6.5.10 At the Stakeholder meetings (both of which were attended by the Chair) Locum presented on;

- The scope of the Study
- Summary of the Work to Date
- Options Appraisal (progress so far)
- Next Steps

6.5.11 Locum stressed that the two key drivers for the regeneration agenda were the Vision and Mission Statement approved by the Board and that the Options Analysis and Feasibility Study was a precursor to the Master Planning exercise; the Strategic Concept options emerging from the study would influence the ultimate Master Plan but they were not cast in stone at this stage.

6.5.12 The next steps (following the stakeholder meetings) were;

- High level appraisal of Strategic Concept options
  - Further desk-based research
  - High level market soundings
- Preferred option
- Conclude Options Appraisal study and report
- Preparation of planning framework documentation

6.5.13 The Board will receive a further report and a presentation on the findings of the Study at its meeting on 9 May 2011.

## 6.6 **Structural changes to streamline processes and systems.**

6.6.1 At its meeting on 15 February 2001 the Board resolved that approval be given in principle to the adoption of a two-stage process with stage one the immediate implementation of a joint Alexandra Park and Palace Statutory Advisory Committee, and Alexandra Palace and Park Consultative Committee (Model 1) and stage two a reconstituted Alexandra Park and Palace Statutory Advisory Committee (Model 2);

6.6.2 The Board instructed the Interim General Manager to investigate the practicalities of having a single Alexandra Park and Palace Statutory Advisory Committee, and Alexandra Palace and Park Consultative Committee and to seek legal and Charity Commission advice in order to advise further on this matter.

6.6.3 It is recognised that whilst the APP Statutory Advisory Committee (APPAC) is constituted in an Act of Parliament, there could be means of enhancing its current remit/membership. The Trusts' Solicitor has advised

6.6.4 "That the APPAC, as a creature of statute (the 1985 Act) can only be subject to change, either as regards membership or functions, by a change in the law. Such change could only be made in a limited way. Paragraph 14 of Schedule 1 of the 1985 Act provides as follows:

Where it appears to the trustees and to the Advisory Committee expedient for the purpose of assisting the continuation of the Advisory Committee-

(a) to make such amendments to sub paragraphs (a) to ( f) of paragraph 2 of this Schedule as appear to be appropriate in the light of any alterations made or to be made in the names or areas of the wards therein mentioned or

(b) to amend the provisions of paragraphs 4 to 13 of this Schedule

then with the approval of the Charity Commission expressed in writing or of the Chancery Division of the High Court expressed by order, they may by resolution of the Trustees and of the Advisory Committee make such amendments."

In respect of the amendments above referred to, those in sub paragraphs (a) to (f) of paragraph 2 are the names of the wards to be represented and those in paragraphs 4 to 13 are essentially constitutional matters.

These provisions could permit changes to membership and constitution.

The Act does not contain any provision for amendment to the functions or terms of reference of the Committee.

If such changes were to be proposed, the Charity Commission might be prepared to permit them by a Charities Act Scheme. This could be a slow process and will almost certainly entail wide public consultation. Details would of course be considered with the Commission in accordance with recommendation 2.5 of the Report."

6.6.5 The Interim General Manager and the Trust's Solicitors have made contact with the Charity Commission regarding this matter and initial correspondence has been exchanged, updating the Commission on recent developments in the governance of the Trust in order to give the context for the request to consider permitting changes wider than those set out in the Act by a scheme. At the time of writing, the Commission's response is awaited.

6.6.6 Board Members will be aware that first of two joint meetings of both Committees has been scheduled for 5 April 2011.

## **6.7 Executive Restructuring and the recruitment of a Chief Executive Officer for Alexandra Park and Palace.**

6.7.1 At its meeting on 15 February 2011 the Board received a report on Executive Restructuring and the Board approved the initial process for the appointment of a new Chief Executive for Alexandra Park and Palace. In preparing this report, the Interim General Manager has liaised with the Council's Director of Corporate Resources to whom the Board has delegated, acting on behalf of the Council's Chief Executive in his "charity capacity", and in consultation with the Chair of the Board, to the appointment of the Executive Recruitment Consultant and the finalisation of the interview process and the documentation required to commence and finalise the search and recruitment.

6.7.2 There was some public interest following the Board report and an article appeared in the local press expressing concern about changing the charity into a commercial venture as part of the appointment of a new Chief Executive.

6.7.3 Following the invitation to 3 Executive Search and Recruitment Consultants Odgers Berndtson were selected and the contract is being finalised. The revised costing for this

activity is within the budget sum reported. It is anticipated that the Outline Programme (to be finalised in more detail) will be:

- April/May – Search for Candidates by Odgers Berndtson
- Mid to late May 2011 - Longlisting of Candidates and initial interviews by Odgers Berndtson
- Early June 2011 – Short listing of Candidates
- Mid June 2011 – Final Interviews by CEO Appointment Panel

6.7.4 A more detailed programme will be circulated to Board Members in due course.

6.7.5 The job description/person specification and remuneration package is being prepared with the assistance of Odgers Berndtson.

6.7.6 Board Members will recall that it is necessary for the Full Council of LB Haringey be requested to amend the Council's Constitution so that the Trust may appoint its new Chief Executive in full accordance of The Local Authorities Standing Orders Regulations (S.I. 2001/3384) entailing a delegation by the Alexandra Palace and Park Board to the Council's Chief Executive, in his "charity capacity", of powers to appoint, dismiss and discipline the Alexandra Palace & Park Chief Executive, and that such powers will be exercised in consultation with the Alexandra Palace and Park Board or its appointed Panel/Sub-Committee.

6.7.7 The above request to the Council is being addressed by the Council's Principal Project Lawyer, who has drafted changes to the Council's Employment Procedure Rules (Part 4 Section K) and will take these through the Council's Constitution Review Working Group. There will then be a "portmanteau" report from the Constitution Review Working Group to the 4 April full Council recommending these amendments to the Constitution.

## **7 Consultation**

7.1 There has been no specific consultation on this report beyond the liaison with the APP Statutory Advisory Committee and APP Consultative Committee described in previous reports to the Board and the Stakeholder meetings referred to in section 6.5 above.

## **8 Recommendations**

8.1 That the Board notes the progress to date in implementing a number of its previous resolutions on Governance and Future Vision outlined in this report.

8.2 That the Board notes that it will receive further reports on the matters covered in this report at future meetings of the Board.

## **9 Legal Implications**

9.1 The Trust's Solicitor's advice has been taken into account in the preparation of this report.

9.2 The LBH Head of Legal Services has no specific comments except to confirm that the matter of amending the Officer Employment Procedure Rules in the Constitution is being progressed.

## **10 Financial Implications**

- 10.1 In 2010/11 a budget allocation of £30,000 was approved by the Trustees and no additional budget is anticipated at this stage.
- 10.2 The cost of the Options Appraisal Feasibility Study will not impact on the Trust's directly controlled budget.
- 10.3 The cost of the two recruitment exercises referred to above will be met from the Trust's 2011-12 revenue budget.
- 10.4 LBH Chief Finance Officer notes the contents of the report.
- 10.5 Use of Appendices/Tables/Photographs**  
None.