

**ALEXANDRA PARK AND PALACE ADVISORY COMMITTEE
– 29 AUGUST 2006**

AGENDA ITEM 3(ii)

ALEXANDRA PALACE AND PARK BOARD – 24 JULY 2006

**DRAFT EXTRACT OF MINUTE IN RELATION TO CONSIDERATION
OF THE ADVISORY COMMITTEE'S RESOLUTION TO THE BOARD
ARISING FROM ITS MEETING ON 20 JULY 2006**

The Chair referred to the circulated comments of the Statutory Advisory Committee and asked for clarifications as the Board's position in considering them. Mr Holder responded that the Board were required under Section 19 of Schedule III of the 1985 Act to consult and also to consider recommendations of the Statutory Advisory Committee. The General Manager also advised that the Statutory Advisory Committee had been given its last opportunity to comment before the recommendation to formally request the Section 36 order was to be considered by the Board this evening.

The Board then considered the advice and recommendations of the Alexandra Park and Palace Statutory Advisory Committee Palace Advisory Committee arising from its meeting of 20 July 2006, previously circulated to the Board, as follows:

That the Alexandra Palace and Park Board be requested to consider the following resolutions of the special meeting of the **Alexandra Park and Palace Advisory Committee** of 20 July 2006 on the Future Use of the Asset when considering this item at the special meeting of the Board on 24 July 2006 and take account of those matters prior to making its decision:

- i. that the Board be reminded of its duties to consult as set out in Schedule 1 - Part III of the Alexandra Park and Palace Act 1985 in respect of the functions of the Advisory Committee and the Board's continuing legal obligations to ensure that the Advisory Committee continues to be consulted on those matters that the Board should refer to it within the auspices of the Act.. Further that it takes into account of any and all views and recommendations referred to it from the Advisory Committee both currently and following completion of current negotiations on the Heads of Terms, Lease and project agreement with the Firoka Group;

- ii. that the Board be requested to note and take account of the concerns of the Advisory Committee that, once the transfer of the asset to the Firoka Group has been completed, the role of the Advisory Committee in respect of its ability to comment and make recommendations will be diminished on the day to day matters of Palace Management that effect local residents and its influence “one step removed” from the operation than is currently the case;
- iii. that in respect of (ii) above the Board be asked to include a requirement to consult the Advisory Committee within the proposed lease currently being finalised with the Firoka Group e.g Firoka ‘s Palace Management could be required under the lease to meet with the Advisory Committee on a regular basis, and that should this request not be acceded to then the Advisory Committee would consider making formal representations to the Charity Commission following referral of the draft heads of terms, lease and project agreement;
- iv. that in respect of the future development of the asset, the Board be requested to ensure that a full traffic impact assessment be carried out as part of the required planning process for the future development proposals of the Firoka Group; and
- v. that the Board be requested to note the concerns of the Advisory Committee in respect of the future development of the BBC studios; the fact that there had been no concrete evidence of potential financial backing by independent sources; and that the Board be requested to actively engage with any interested parties in an attempt to secure such financial backing for the preservation and development of the proposed interactive museum concept for the BBC Studios in preparation for future use following Firoka’s completion of the “shell and core” space.

and responded to each recommendation in the following terms:

- i. that the Board be reminded of its duties to consult as set out in Schedule 1 - Part III of the Alexandra Park and Palace Act 1985 in respect of the functions of the Advisory Committee and the Board’s continuing legal obligations to ensure that the Advisory Committee continues to be consulted on those matters that the Board should refer to it within the auspices of the Act.. Further that it takes into account of any and all views and

recommendations referred to it from the Advisory Committee both currently and following completion of current negotiations on the Heads of Terms, Lease and project agreement with the Firoka Group;

The Chair asked if there were any comments prior to formulating the response.

Councillor Egan asked for clarification on a technicality re the wording of the resolution in terms of 'consult'. Mr Harris reiterated that there was a duty to consult and that the actual part of the Act was in fact wrongly quoted.

Following clarification from the Trust Solicitor Mr Harris as to wording the Chair summarised and it the response was agreed in the following terms:

Response

That the Board accepts that it has a duty to consult as set out in Schedule 1 - Part III of the Alexandra Park and Palace Act 1985 in respect of the functions of the Advisory Committee and the Board's continuing legal obligations to ensure that the Advisory Committee continues to be consulted on those matters that the Board should refer to it within the auspices of the Act. The Board would continue to take into account any and all views and recommendations referred to it from the Advisory Committee both currently and following completion of current negotiations on the Heads of Terms, Lease and project agreement with the Firoka Group.

- ii. that the Board be requested to note and take account of the concerns of the Advisory Committee that, once the transfer of the asset to the Firoka Group has been completed, the role of the Advisory Committee in respect of its ability to comment and make recommendations will be diminished on the day to day matters of Palace Management that effect local residents and its influence "one step removed" from the operation than is currently the case;

The Chair asked if there were any comments prior to formulating the response. There being no comments from the Board and following clarification from the Trust Solicitor Mr Harris as to wording the Chair summarised and it the response was agreed in the following terms:

Response

That the Board accepts, notes, recognises, and takes account of the concerns of the Advisory Committee that, once the transfer of the asset to the Firoka Group has been completed, the role of the Advisory Committee in respect of its ability to comment and make recommendations will be diminished on the day to day matters of Palace Management that effect local residents and its influence “one step removed” from the operation than is currently the case

- iii. that in respect of (ii) above the Board be asked to include a requirement to consult the Advisory Committee within the proposed lease currently being finalised with the Firoka Group e.g Firoka 's Palace Management could be required under the lease to meet with the Advisory Committee on a regular basis, and that should this request not be acceded to then the Advisory Committee would consider making formal representations to the Charity Commission following referral of the draft heads of terms, lease and project agreement ;

The Chair, in asking if there were any comments prior to formulating the response, sought clarification as to whether the request could be added to the draft lease before the Board. Both Mr Harris and Ms Kimber responded that there was a clear provision within the lease of the requirement by statute to consult and it was a statutory obligation and covered in Part 3.14 of the draft lease, and this clause would cover all requirements to consult. There being no further comments from the Board and following clarification from the Trust Solicitor Mr Harris as to wording the Chair summarised and the response was agreed in the following terms:

Response

that there was a clear provision within the lease of the requirement by statute to consult and it was a statutory obligation and covered in Part 3.14 of the draft lease, and this clause would cover all requirements to consult.

- iv. that in respect of the future development of the asset, the Board be requested to ensure that a full traffic impact assessment be carried out as part of the required planning process for the future development proposals of the Firoka Group

The Chair, in asking if there were any comments prior to formulating the response, sought clarification as to whether this request was within the remit of the Board. Mr Harris responded that he did not feel that this was in fact the Board's role to request and ensure that a full traffic impact assessment be carried out as part of the required planning process for the future development proposals of the Firoka Group, and that this would be carried out by the Firoka Group as a matter of course. The Chair commented that this issue would fall to Firoka to carry out and produce for submission to the LB Haringey's planning application Sub-Committee and therefore not appropriate for the Board to request or ensure that this was carried out.

The Chair then summarised and the response was agreed in the following terms:

Response

That the Board feels that it was not appropriate for them to either request or ensure that a full traffic impact assessment be carried out as part of the required planning process for the future development proposals of the Firoka Group and that this would be carried out by the Firoka Group as a matter of course during the development submission stage.

- v. that the Board be requested to note the concerns of the Advisory Committee in respect of the future development of the BBC studios; the fact that there had been no concrete evidence of potential financial backing by independent sources; and that the Board be requested to actively engage with any interested parties in an attempt to secure such financial backing for the preservation and development of the proposed interactive museum concept for the BBC Studios in preparation for future use following Firoka's completion of the "shell and core" space.

The Chair, in asking if there were any comments prior to formulating the response, sought clarification as to whether this request was within the remit of the Board. Mr Harris responded that this was not something within the remit of the Board and that whilst the Board could note the concerns expressed but that it was a matter that should not be pursued actively or otherwise, but that any proposals that were forthcoming would be welcomed and passed on to the Firoka Group.

Councillor Hare commented that it was a duty to surely protect the heritage of the studios and that the request should not be rejected, and that that the Board should actively encourage and seek possible external backers.

The Chair, in sharing the comments as to a duty to protect the heritage, advised though that it was not the role of the Board to actively pursue an external backer. Councillor Peacock, in sharing the views of the Chair commented that it should be for interested parties i.e. the local television groups and societies to actively pursue external backers for the development of the studios.

Mr Holder commented that it was correct to state that it was not within the Board's remit to either actively pursue an external backer or external sources of funding.

In response to further comments expressed the Chair commented that should an external backer be forthcoming then the Board would welcome such and ensure that proposals were discussed between that backer and the Firoka Group, and he reiterated his earlier comments it was not the role of the Board to actively seek a backer, or actively be involved in fund raising etc.

Ms Hutchinson commented that it had not been the intention to ask the Board to actively be involved in fund raising but to actively encourage external interest. It was the case that the space would be available for 3 years and that if after that period a backer was not forthcoming then at least the Board could say that it had actively encouraged external interest.

In response to comments from Councillor Beacham as to whether the word 'actively' could be removed Mr Harris commented that in terms of the Advisory Committee's request to actively engage and seek backing, this went beyond the role of both the Advisory Committee in its remit, and beyond the remit of the Trustees.

There being no further comments from the Board and following clarification from the Trust Solicitor Mr Harris as to wording the Chair summarised and the response was agreed in the following terms;

Response

That the Board recognises the request of the Advisory Committee in requesting the Board to actively pursue and actively engage with any interested parties in an attempt to secure such financial backing for the preservation and development of the proposed interactive museum concept for the BBC Studios in preparation for future use following Firoka's completion of the "shell and core" space, and that it would do all it could to assist in that objective.

Councillor Hare reiterated his earlier concerns that he felt that the Board had a duty to go further in pursuing an external backer and it should be actively involved in seeking a backer.