

**MINUTES OF THE ALEXANDRA PARK AND PALACE ADVISORY COMMITTEE.
TUESDAY, 31 OCTOBER 2006**

DRAFT MINUTES

NOMINATED BY LOCAL RESIDENTS' ASSOCIATIONS

*Ms. J. Hutchinson : Alexandra Residents' Association
 *Mr P. Wastell : Alexandra Residents' Association
 *Ms. M. Myers : Muswell Hill and Fortis Green
 Association
 Ms J. Baker : Palace Gates Residents' Association
 *Mr. D. Frith : The Rookfield Association
 Mr. F. Hilton : The Rookfield Association
 *Mr. D. Liebeck : Warner Estate Residents' Association
 (Chair)
 *Mr H. Aspden : Warner Estate Residents' Association

APPOINTED MEMBERS

*Councillor S. Oatway : Alexandra Ward
 Councillor M. Cooke : Bounds Green Ward
 *Councillor M. Newton : Fortis Green Ward
 *Councillor M. Whyte : Hornsey Ward
 *Councillor G. Engert : Muswell Hill Ward
 *Councillor A. Dobbie : Noel Park Ward
 Vacancy : 1 Councillor
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Also in attendance:

Mr K. Holder – General Manager Alexandra Palace

Mr D. Loudfoot – Facilities Manager Alexandra Palace

Mr C. Hart – Clerk to the Committee – Non-Executive Committees Manager – LB Haringey

**MINUTE
NO.**

SUBJECT/DECISION

APSC16.	<p>APOLOGIES FOR ABSENCE</p> <p>Apologies for lateness were received on behalf of Councillor Dobbie due to attendance at a School Governors meeting.</p> <p>NOTED</p>
APSC17.	<p>URGENT BUSINESS</p> <p>There were no items of urgent business.</p>
APSC18.	<p>DECLARATIONS OF INTEREST</p> <p>There were no declarations of interests.</p>

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APSC19.	<p>MINUTES (I) ADVISORY COMMITTEE 29 AUGUST 2006 (II) URGENCY ADVISORY COMMITTEE 12 SEPTEMBER 2006 (III) BOARD 12 SEPTEMBER 2006 (IV) CONSULTATIVE COMMITTEE 5 SEPTEMBER 2006-</p> <p>The Chair asked if there were any points of clarification or accuracy.</p> <p>Ms Myers referred to page 4 and sought clarification as to the listed status of the CUFOS building and the status of the building. Mr Loudfoot confirmed that the Local Authority's planning service had taken the view that both the building and the steps leading to the rear entrance to the Palace were within the curtilage of the Palace and came under the listed building consent even though the CUFOS building was not specifically mentioned, as were the steps at the front of the Palace.</p> <p>In response to questions from the Chair the General Manager stated that he would advise on current planning classes at the next meeting.</p> <p>NOTED</p> <p>Mr Aspden referred to page 2 (ii) of the minutes in respect of a traffic impact assessment and the request to the Board, and the Board's deliberations on 12 September 2006 that it would not take any action in respect of the request.</p> <p>Mr Holder responded that there were dangers of blurring the boundaries of responsibility and advised that it was not for the Board to consider the issue of a traffic impact assessment. That would be a matter to be considered by the Planning Authority as part of the planning application process. The Board, when it had previously considered the request, had stated that the survey would be undertaken at the stage of considering planning applications relating to the development. It was not something that the Board could impose or have the jurisdiction to do so.</p> <p>Mr Aspden expressed his concerns that it had been a specific request from the Committee and he was not happy that this had not been taken seriously and referred to the traffic survey undertaken as part of the 1996 development process and that it was better to have the survey "up front".</p> <p>Following further discussion the Chair summarised to the effect that the committee would request the Board to ensure that as part of the planning application process a traffic assessment of the scheme as a whole was made but not in a piecemeal fashion.</p> <p>In response to a question as to the status of the school proposals and use of the park as playing fields, Mr Holder advised that he would be meeting with officers from the Local Authority's Children and Young Persons Service on 8 November 2006 and the matter would be reported back to the Committee subsequently.</p> <p>The Chair then summarised and it was;</p> <p>RESOLVED</p> <p>i. that the minutes of the Advisory Committee held on 5th September,</p>
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	<ul style="list-style-type: none"> ii. 2006 be agreed and signed by the Chair as an accurate record; and that the Alexandra Palace and Park Board be requested to ensure that as part of the planning application process an overall traffic assessment of the scheme as a whole was made but not in a piecemeal fashion; iii. that the minutes of the Urgency Advisory Committee held on 12 September 2006 be agreed and signed by the Chair as an accurate record of the proceedings; and iv. that the minutes of the Alexandra Palace and Park Board held on 12 September 2006, and the Alexandra Palace and Park Consultative Committee held on 5 September 2006 be noted.
<p>APSC20.</p>	<p>THE FUTURE OF THE ASSET - UPDATE (VERBAL REPORT OF THE GENERAL MANAGER - ALEXANDRA PALACE)</p> <p>The General Manager, Mr Holder, advised the meeting that since 1995 he had been given to believe by the Charity Commission that a Section 36 order was required to be submitted to them whereby the charity would be authorised to grant the Firoka Group (the preferred investment partner) a long lease. Mr Holder went on to outline the recent history in relation to the request for wider powers by Alexandra Palace Charitable Trust and the coming into force of the statutory instrument containing those powers. The Charities (Alexandra Park and Palace) Order 2004 empowered 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. The process to select an investment partner had been undertaken by the Charity Trustees with the benefit of extensive and comprehensive professional advice. At the Board's Special Meeting on 27 March 2006 the Board resolved to authorise commencement of detailed negotiations with Firoka and to seek a Section 36 Order from the Charity Commission. The Board subsequently, at its meeting on 24 July 2006, approved draft documentation and delegated authority for drafting changes to the General Manager.</p> <p>Mr Holder advised that the Commission had invited the Trustees to apply for a scheme which would authorise the trustees to grant a lease to Firoka (Alexandra Palace) Limited. Mr Holder explained that technically in the current context there were two relevant mechanisms whereby a lease could be authorised. The first was by means of a scheme containing an order under Section 16 of the Charities Act 1993. The second was by an Order under Section 36 of the Charities Act 1993. Mr Holder commented that the Commission had now indicated that the former mechanism would be appropriate because this would provide a legal basis and clear procedure for giving public notice, inviting and considering representations. This process also accorded with an undertaking given by the Minister during the course of the parliamentary debate in January 2004 on what became the 2004 SI. On that occasion the Minister indicated that the Commission would publish a draft of the Order and invite and consider representations. The Board then formally agreed the submission of an application for Section 16 Order at a special meeting on 25 October 2006. Mr Holder also referred the Committee to the draft Order which was tabled. Mr Holder then went on to outline the process for advertisement whereby the Charity Commission would publish the Section 16 order for in the local, and national press (The Times) with a statutory period of 1 month for responses to be submitted directly to them. Following on from then the</p>

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Charity Commission would consider any such submissions and either agree the draft order, or seek further clarification from the Trustees. This timescale for the process was not prescribed.

Mr Holder also advised that the Board at its meeting on 14 November 2006 would be considering its final decision with regard to the Master Agreement, the Lease, and the Project Agreement to be entered into with the Firoka Group. Should the Board agree these documents then this will be binding on the parties subject only to the granting of the Section 16 Order by the Charity Commission.

In response to questions by the Chair as to the likely timescale Mr Holder illustrated the process by example. If the Section 16 Order was advertised in the press on 16 November 2006 then the statutory period would be for 1 month to 16 December 2006. Following this period there was an indefinite period for the Charity Commission to consider the responses received

(Councillor Dobbie arrived at 20:15HRS)

The Committee then commenced a wide ranging discussion in respect of the Draft Section 16 Order, the Advisory Committee's future role, its relationship with the Board post transfer of the asset and the recognition by the Board of the role of Advisory Committee, as summarised below:

- Concerns were expressed that the Advisory Committee, would not be consulted as to the proper procedures the Board intends to devise to monitor and review the performance of Firoka of their covenants in the lease, and how these procedures would restrict the use of the leased premise to uses consistent with the aims of the charity; in particular to maintain the Palace as a place of public resort and recreation and for other public purposes, bearing in mind the SAC's statutory obligation to promote the objects of the charity;
- . that there was explicit need for the Board to address itself to the question and provide the SAC with a written answer in detail how the role and function of the SAC, as provided for in Part III, Schedule 1, paras 19/20 of the Act will be maintained after the lease was entered into with the tenant, with particular regard to the question as to how the SAC would discharge its statutory duties under the Act;
- that it was felt explicit that the Board ought to make a provision in the lease to preserve the current powers and duties of the SAC to enable the local community in the form of the current make-up of the SAC (local residents' associations' representatives and councillors) to continue to be consulted and for the tenant to have due and proper regard to its views, and use their best efforts to give effect to its recommendations, in respect of the general policy relating to the activities and events arranged or permitted in the Palace, and generally in respect of the functions of the SAC under Schedule 1 Part III of the Act;
- that the SAC should have sight of a copy of the draft lease, the project agreement and master agreement to be entered into by the Board of Trustees and the Firoka Group to enable the SAC to become conversant with the terms of the lease insofar it effects the role of the SAC and the aims of the charity

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under the provisions of the Act.

Following protracted discussion the Chair, after a brief summary of the points raised by the Clerk, summarised and it was:

RESOLVED

1. That the Alexandra Palace and Park Board be advised that, by way of a preamble to the resolutions which follow:-

i. On 20th July, 2006 the SAC resolved to request that the Alexandra Palace and Park Board (the Board") take account of, inter alia, three particular points relating to the future use of the Palace as set out in subparagraphs (i) –(iii) of the Resolution, concerning the role of the SAC after the Board grants the proposed Lease of the Palace to Firoka, at its (then) next meeting 24th July,2006; and

ii. having noted the Board's "Responses" at its meeting on 24th July, 2006, as set out in a... "Draft Extract of a minute..." of the Board's meeting on 24th July, 2006, which included a reference to the Lease and a clause (or paragraph) 3.14 which (allegedly) contained a "clear provision...of the requirement by statute to consult, that this was a statutory obligation. and that this clause would cover all requirements to consult.." (quotations from the draft minute), and noting that this provision / clause nor (any) other relevant parts of the lease had not been provided or disclosed to the SAC; and

iii. having further noted that the draft Order of the Charity Commission requires the Board

(a) "to devise proper procedures" to enable it frequently and regularly (to) monitor and review the performance of the tenant under the covenants of the lease (paragraph 4(1)); and

(b) that the procedures shall address in particular those covenants restricting the use of the Palace to uses consistent with (the Alexandra Park and Palace Act 1985) ("the Act") and preventing the use of (the Palace) from interfering with (the Park) (paragraph 4(2));

iv. and having regard to the Board's statutory obligation not just to "consult" with the SAC on all matters specified in paragraph 19 of Schedule 1 Part III to the Act but also to have "due and proper regard to advice from the (SAC) on those matters"... and .."to use their best endeavours to give effect to such reasonable recommendations of the SAC as are expedient in the interests of the charity and consistent with the trusts..." (clause 9(3) of the Act);and

v. the SAC expressing its concern that the Board has not given due and proper consideration to the future function and role of the SAC after the granting of the lease taking into account the SAC's statutory obligation to promote the objects of the charity and the fact that the intention of the Act ,in respect of the SAC, was to give local residents and councillors a say and

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the right to be consulted by the body running the Palace (currently the Board) inter alia on all matters concerning the activities and events arranged or permitted in the Palace

2. The SAC resolves to advise and recommend to the Board;
 - A. that in terms of the draft Order the Board should provide and disclose to the SAC the proper procedures it intends to devise to monitor and review the performance by (Firoka) of the covenants contained in the lease, and how these procedures will restrict the use of the leased premise to uses consistent with the aims of the charity; in particular to maintain the Palace as a place of public resort and recreation and for other public purposes, bearing in mind the SAC's statutory obligation to promote the objects of the charity;
 - B. that the Board should address itself to the question (and provide the SAC with a written answer in detail) of how the role and function of the SAC, as provided for in Part III, Schedule 1, paras 19/20 of the Act will be maintained after the lease is entered into with the tenant, with particular regard to the question as to how the SAC is to discharge its statutory duties under the Act;
 - C. that the Board ought to make a provision in the lease to preserve the current powers and duties of the SAC to enable the local community in the form of the current make-up of the SAC (local residents' associations' representatives and councillors) to continue to be consulted and for the tenant to have due and proper regard to its views, and use their best efforts to give effect to its recommendations, in respect of the general policy relating to the activities and events arranged or permitted in the Palace, and generally in respect of the functions of the SAC under Schedule 1 Part III of the Act;
 - D. that the Board provides the SAC with a copy of the draft lease, the project agreement and master agreement to be entered into by the Board of Trustees and the Firoka Group to enable the SAC to become conversant with the terms of the lease insofar it effects the role of the SAC and the aims of the charity under the provisions of the Act.

N.B. The Board is also advised that the SAC intends to hold a special meeting of the SAC on 22nd November, 2006 to consider the Board's responses, and to determine its collective response to the proposed Section 16 Order, and any representation the SAC may wish to make to the Charity Commission in respect of the section 16 Order.

Councillor Dobbie asked that his dissent to the above resolution be recorded.

ADDENDUM

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	<p>The Chair sought clarification from the Clerk to the Committee in relation to his role in respect of the Advisory Committee's likely intention to submit a collective response to the Charity Commission when the Section 16 Order had been published.</p> <p>The Clerk – Mr Hart - advised the Committee that he would be able to facilitate the proposed special Advisory Committee on 22 November 2006 to record the considerations of the Advisory Committee in terms of its response to the deliberations of the Board of 14 November 2006 with regard to the this evening's resolutions. The Clerk advised that where the Advisory Committee would determine its likely responses to the proposed advertisement, whilst he would be able to minute such deliberations, at the point where the Advisory Committee were to then formulate its collective response, the formal meeting would cease, and the Clerk would withdraw from the meeting.</p>
<p>APSC21.</p>	<p>HERITAGE LOTTERY FUNDED LANDSCAPE DEVELOPMENT PROJECT UPDATE (REPORT OF THE DEVELOPMENT MANAGER) (TO BE DEALT WITH UNDER ITEM 7(I) BELOW)</p> <p>The Chair advised that this issue would be dealt with under Item 7(i) on the agenda.</p> <p>NOTED</p>
<p>APSC22.</p>	<p>ITEMS RAISED BY ASSOCIATION REPRESENTATIVES</p> <p>i. Full Audit of HLF work in the Park – raised by Mr Aspden – Warner Estate Residents Association</p> <p>The Chair asked for a brief update in respect the circulated audited report.</p> <p>In a brief introduction the General Manager, Mr Holder, advised of the resignation of the Parks Development Manager, Mr Baker, from his position due to personal reasons. The post would now be advertised and the role of Parks' Manager would be discharged in the interim by the Facilities Manager, Mr Loudfoot, assisted by Land Use Consultants as necessary. The park management would not be transferred following signing of the lease with the Firoka Group and would remain within the management of the Charity Trustees. It was a condition of the HLF funding that there be a Parks Manager to oversee and manage initially the programme of work and subsequently the maintenance of the parkland. It was envisaged that the process for the appointment would take approx 2 months.</p> <p>The Chair commented that Mr Baker had been a real asset to the service and had managed the project in an exceptional manner, and had been approachable to the public. His knowledge of the HLF project had been first class and that his presence would be sorely missed. This comment was shared by the Committee and it was agreed that the General Manager be asked to pass on in writing the sentiments of the Committee to Mr Baker and also the Committee's</p>

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best wishes to Mr Baker for the future.

Ms Myers particularly commented on the walk about conducted the previous June by Mr Baker which was exceptionally successful and well received by the Public.

The Committee briefly discussed the contents of the audit in relation to various locations in the park and also made specific comments as follows:

- North View border relocation of trees
- field area at Redstone Road
- works outside the boundary of the park at Muswell Hill and Bedford Road
- the bad state and repair of the Park foot entrance at Muswell Hill
- the need to highlight and celebrate the end of the HLF project in July 2007

In respect of the content of the Audit, Mr Aspden advised that there were a number of misleading inaccuracies contained therein. The audit was quite disappointing in its content.

Mr Loudfoot commented that the document was a 'work in progress' and would be happy to go through its contents with Mr Aspden outside of the meeting. Mr Aspden advised that he would email Mr Loudfoot with his concerns.

REPORT NOTED

- ii. The structure of the residual organisation that will be left to deal with matters relating to the Palace and the Park, on behalf of the Board. - raised by Ms Hutchinson – Alexandra Residents Association***

A brief discussion as to the future management of the Trust by the Board, post transfer of the asset, ensued. The General Manager commented that the Board would need to ensure that the project agreement was adhered to. There was to be a monitoring surveyor to be employed as well as the existing Facilities Manager and admin/secretarial support.

Following further discussion the Committee felt that the Board should appoint a 'Clerk of Works' to monitor the works to be undertaken by Firoka.

The Chair summarised and it was:

RESOLVED

that in respect of the Board's residual functions post transfer of the asset to the Firoka Group, the Advisory Committee requests that

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	<p>the Board establishes a proper and effective monitoring procedure in respect of Firoka's works and that the post be created of a 'Clerk of Works' to ensure that the works are carried in accordance with the terms of the project agreement.</p> <p>iii. Advertising the draft Order by the Charity Commission.- raised by Ms Myers – Muswell Hill and Fortis Green Association</p> <p>This item was dealt with under Item 5 above.</p>
APSC23.	<p>ANY OTHER URGENT BUSINESS</p> <p>(i) Mr Wastell referred to recent incidents of muggings and violence in the park and in particular an attack on an 11 year old boy on his way from school. Given this and general concerns expressed, and recent reports in the press on crime analysis in the area he asked whether the General Manager was able to comment.</p> <p>Mr Holder responded that he had been given no prior notice of this issue and given that the reported crime analysis was over a period of some months he did not see how this constituted an urgent business item. Reports were generated in the press without reference back to himself as General Manager and he was therefore unwilling to comment on their content. In response to further questions Mr Holder advised that he had no knowledge of the incident referred to by Mr Wastell.</p> <p>Councillor Oatway advised that security issues had been raised with the Safer Neighbourhood Team and the issue of park security was raised. In response to further questions from Members the General Manager highlighted the mobile patrols and security in the Park but commented that it was not possible to be everywhere in the Park at all times.</p> <p>The Chair thought that it would be of use to have a report on the issue at the next scheduled meeting.</p> <p>RESOLVED</p> <p>That a report on security and the recent external audit be considered at the next scheduled meeting of the Advisory Committee.</p>
APSC24.	<p>TO NOTE THE DATES OF MEETINGS OF THE ADVISORY COMMITTEE FOR THE REMAINDER OF THE MUNICIPAL YEAR 2006/07: 23 January 2007 27 March 2007</p>

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There being no further business to discuss the meeting ended at 21:58HRS

D. LIEBECK

Chair