

## **Alexandra Palace and Park Board – 14 November 2006**

### **RESOLUTIONS of Alexandra Park and Palace Advisory Committee (“SAC”) dated 31<sup>st</sup> October 2006**

The Alexandra Palace and Park Board is requested to consider the resolutions of the Alexandra Park and Palace Advisory Committee of 31 October 2006 as detailed below:

N.B the Item numbers stated below relate to those of the Advisory Committee Agenda of 31 October 2006

#### **(i) Item 4 – Minutes – Alexandra Palace and Park Board (12 September 2006) and Statutory Advisory Committee 29 August 2006**

#### **RESOLVED**

That in respect of the decision of the Board from its meeting of 12 September 2006 to not take any action in respect of the Advisory Committee’s recommendation of 29 August 2006 requesting that a traffic assessment is undertaken for the entire Alexandra Palace and Park site as part of the Firoka Group’s developments, 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.

#### **(ii) Item 5 – Future use of the Asset**

Preamble

- (1) 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 24<sup>th</sup> July, 2006; and
- (2) 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 24<sup>th</sup> 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

- (3) 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));
- (4) and having regard to the Board’ 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
- (5) 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 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;-

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 advised that the SAC intends to hold a special meeting of the SAC on 22<sup>nd</sup> 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.

**(iii) Item 7 (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**

**RESOLVED**

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