

**MINUTES OF THE ALEXANDRA PALACE AND PARK BOARD
WEDNESDAY, 25 OCTOBER 2006**

Councillors *Adje (Chair), *Egan (Vice-Chair), *Beacham, *Hare, *Peacock, Rainger and *Thompson

Non-Voting Ms V Paley, *Mr M. Tarpey, Mr N Willmott
Representatives:

Observer: Mr D. Liebeck

Also present:

Mr Keith Holder – General Manager Alexandra Palace

Mr Iain Harris – Trust Solicitor

Mr Stuart Young – Head of Personnel – LB Haringey

Mr Clifford Hart – Non-Executive Committees Manager – LB Haringey

**MINUTE
NO.**

SUBJECT/DECISION

<p>APBO48.</p>	<p>APOLOGIES FOR ABSENCE</p> <p>Apologies for absence were received from Ms Paley, and for lateness and possible non-attendance from Mr Leibeck, Mr Willmott and Councillor Rainger.</p> <p>NOTED</p> <p>At this point in the meeting (18:05hrs) the Chair MOVED an adjournment of the proceedings for a period of 10 minutes. The Board agreed to the adjournment nemine contradicente.</p> <p>The meeting adjourned at 18:05hrs and reconvened at 18:15hrs.</p>
<p>APBO49.</p>	<p>URGENT BUSINESS</p> <p>The Chair asked if there were any items of urgent business.</p> <p>The Clerk advised that officers would give an update in relation to Item 6 in the exempt part of the proceedings.</p> <p>NOTED</p>
<p>APBO50.</p>	<p>DECLARATIONS OF INTEREST</p> <p>There were no declarations of interest.</p> <p>NOTED</p>
<p>APBO51.</p>	<p>APPLICATION FOR PERMISSION OF THE CHARITY COMMISSION TO ENTER INTO A LEASE WITH FIROKA (ALEXANDRA PALACE) LIMITED</p> <p>The Chair asked for a brief introduction of the report.</p>

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The Trust Solicitor – Mr Harris advised the meeting that the report circulated and before the Board detailed the course proposed by the Charity Commission whereby the charity would be authorised to grant the Firoka Group (the preferred investment partner) a long lease. The Board was being asked to give its approval to the scheme containing the order necessary to give effect to the proposals.

Mr Harris went on to outline the recent history in relation to the request for wider powers by Alexandra Palace 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 at AP036.(ii) and (iii) 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. In accordance with the Board's resolutions the Trust Solicitor and General Manager had on behalf of the Trustees engaged in correspondence with the Charity Commission.

Mr Harris advised that the Commission was now inviting the Trustees to apply for a scheme which would authorise the trustees to grant a lease to Firoka (Alexandra Palace) Limited. Mr Harris 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 Harris commented that the Commission has indicated that the former mechanism would be appropriate because this would give 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. Mr Harris also referred the Board to the draft Order which was appended to the report at Appendix A, together with an application for a scheme by the Trustees at Appendix B.

Mr Harris further advised that the Board was therefore invited to make any observations it may consider appropriate on the draft Order and subject thereto were invited to resolve to approve the draft and make a formal application for a scheme. Should the Board so approve and resolve the Commission would then advertise its intention to make the Order giving a period of one month for public representations to be made to it.

The Chair thanked Mr Harris for his succinct introduction and asked if there were any comments and views from Board Members.

Councillor Hare advised that whilst he welcomed the opportunity for the public to be able to make representations to the Charity Commission in accordance with the Section 16 of The charities Act.

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Councillor Hare then expressed a number of concerns regarding the process embarked upon.

His first concern was an issue of access to information with regard to the letter sent to the Charity Commission from the Trust Solicitor and that he had requested a copy of this which as yet had not been forthcoming. Councillor Hare commented that it was in his view the right and duty of all Trustees to have sight of correspondence but had not received any since his request on 12 September 2006.

Councillor Hare also referred to the wider information he had recently requested relating to the Board papers prior to January 2006 and the response that he should not be given access to such information.

Councillor Hare also expressed his concerns in relation to the future of the TV Studios, and the CUFOS lease highlighting the historical importance of the BBC Studios, and the future leasing arrangements in relation to CUFOS.

Councillor Hare also commented on the power delegated to the Board to deliberate and consider the future of the asset and that given the momentous decision the Board was about to make, that the final decision should be referred to the Full Council of Haringey, though in Councillor Hare's view he did not see that this course of action would actually change the result.

The Chair responded that in respect of the last point raised by Councillor Hare he reminded Councillor Hare that he would be aware that this Board had delegated to it all the powers to make decisions on the transfer of the lease to the Firoka Group, or indeed any other preferred partner. The Chair felt that Councillor Hare was attempting to create a situation whereby the final decision could not be progressed by throwing up obstacles and situations that were no more than 'red herrings' and therefore did not either accept or agree with Councillor Hare's view that the final decision on granting a lease should be referred to full council, The Chair reminded Councillor Hare that the process was at a crucial point in the process to agree the transfer of the lease and the process needed to be taken forward forthwith.

Councillor Egan also, in sharing the views of the Chair, commented that it was not appropriate at this late stage to attempt to try to delay the process further. It was clear that previously there had been attempts to attract interest from external sources for the TV studios refurbishment but as yet there had been no such interest forthcoming. Councillor Egan felt that if Councillor Hare was opposed to the proposals then he should be up front and express such and not attempt to find obstacles to delay the process.

Mr Harris responded to the concerns expressed by Councillor Hare. In terms of the last point raised – the final decision as to the future of the asset and the granting of the lease, as well as the general decisions taken by the Board previously – it was the case that separate Counsel's opinions had always referred to the potential conflict arising from the Local Authority taking decisions in relation to Alexandra Palace. The clear advice given was that decisions to be taken in relation to the Alexandra Palace should be taken by the Board. To do otherwise

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at this stage would create further conflicts that the delegation of responsibility to this Board had sought to remove.

Mr Harris further advised in relation to the point concerning the process followed it was the case that the Board had agreed a clear and due process and had followed this from the outset in choosing a preferred investment partner.

In terms of the issue of advertising the Section 36 notice and public involvement following the decision taken by the Board in March 2006, in relation to the Section 36 notice the footprint had been advertised for 28 days and the Board had subsequently considered some 24 representations from the Public, and had considered these issues prior to formally requesting the Charity Commission to proceed.

Concerning the issues of access to information and the letter to the Charity Commission Mr Harris advised that it was a matter of 3rd party consent to release the information and that if the request was then put to them then it would be for the Charity Commission to respond. Councillor Hare advised that this request had been put to them by him and the Commission had indicated that they would be happy to release the information. The Chair also advised that the information provided was commercially sensitive and were Trustees to receive such information then it should not be for public viewing. Requests for information should also be made on a need to know basis. Councillor Hare advised that the Charity Commission had indicated to him a week previously that they would be 'willing' to give the information sent to them. In response to questions from Councillor Hare and clarification from the Chair Mr Harris advised he had received neither written or telephone communications from the Charity Commission on this point.

The Chair responded that as there was some ambiguity in whether the information requested would be provided, he would himself contact the Charity Commission the following day (though this was not proper protocol) to seek clarification on this matter. He also asked that both the General Manager and the Trust Solicitor to contact the Charity Commission the following day to ascertain the precise situation and if it were the case that the Commission would release the information then this should be sent to all Board Members, and he reiterated his earlier comments as regards the need for confidentiality.

Mr Harris referred to the point from Councillor Hare in relation to the TV Studios and the CUFOS building and that both areas were included in the area which the Board was seeking the Commission to grant power to give a long lease. Councillor Hare commented that within the proposed lease there had been provision made to protect the Ice-Rink but neither the Studios nor the CUFOS building had such protection. Councillor Hare then drew a comparison between the Pump House in Hornsey being turned into a restaurant and said the same use could apply to the studios. In this way the public could have access to space and experience the space.

The General Manager responded saying that the level of protection was the same in principle. The significant difference was that the ice rink was already a public space and designed for use as such. However the studios had been created as a working premises by the BBC for the development of television between 1934

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	<p>and 1936. There was never any intention that public access would be granted or indeed necessary in the area. This in turn made it difficult to be clear about how public access for a museum would be configured and the potential intervention into the historic fabric of the building to create such access has not been considered. In principle there was a commitment to retain the studios and development of a heritage facility based on them. However the detail of how such public access was to be achieved would require careful consideration by specialist architects.</p> <p>The Trust Solicitor reminded the Board that it had discussed the lease granted to CUFOS on many occasions and on the basis of clear legal advice from both him and the project solicitors had resolved not to vary the original decision that the building was part of the development footprint. He reminded the Board that Firoka had been advised of the trustee's desire to ensure that the facility remained for available for community use.</p> <p>Mr Tarpey commented that he had sat on the Board longer than anyone else sitting around the table this evening. It was the case that in hearing arguments put forward this evening and indeed on various other occasions in the process of choosing a preferred bidder it was a fact that there was nothing new to be said either in support or against the proposals. The only solution was to move forward into the final stage of the process embarked upon and Mr Tarpey wished that the Board would move forward in an apolitical manner and without quibbling over questions that had been previously asked, argued over or answered. Councillor Peacock concurred entirely with the views expressed by Mr Tarpey.</p> <p>Councillor Thompson concluded the discussions by stating that the Board had been tasked with taking decisions as to the future of the asset and should proceed accordingly.</p> <p>On a MOTION by the Chair there being 4 for (Councillors Adje, Egan, and Peacock), 0 against, and 2 abstentions (Councillors Beacham and Hare) it was:</p> <p>RESOLVED</p> <p>That having considered the circulated report and sought clarification to the content thereto, the Board gives its approval to completing the Charity Commission application for an order containing a scheme under Section 16 of the Charities Act 1993, and authorises the Chair to sign the application on its behalf prior to submitting the application the Charity Commission for consideration forthwith.</p>
<p>APBO52.</p>	<p>EXCLUSION OF THE PUBLIC AND PRESS</p> <p>RESOLVED</p> <p>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 1 – Information relating to an individual.</p>
<p>APBO53.</p>	<p>THE MANAGEMENT OF THE RESIDUAL FUNCTIONS OF THE CHARITY</p>

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(REPORT OF THE HEAD OF PERSONEL - LB HARINGEY)

AGREED the course of action as proposed by officers.

There being no further business to discuss the meeting ended at 18:55HRS.

**Councillor C. Adje
Chair**