

**MINUTES OF THE ALEXANDRA PARK AND PALACE ADVISORY COMMITTEE.
WEDNESDAY, 22 NOVEMBER 2006**

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
 Ms P. Lacroix : Palace View Residents' Association
 Ms S. Rees : Palace View Residents' Association
 *Mr. D. Frith : The Rookfield Association
 Mr. F. Hilton : The Rookfield Association (Deputy)
 *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 C. Hart – Clerk to the Committee – Non-Executive Committees Manager – LB Haringey

Also in attendance: Councillor Hare

**MINUTE
NO.**

SUBJECT/DECISION

APSC25.	APOLOGIES FOR ABSENCE An apology for absence was received on behalf of Ms Hutchinson. NOTED
APSC26.	DECLARATIONS OF INTERESTS Nil
APSC27.	LATE ITEMS WILL ONLY BE ADMITTED IN RELATION TO THE ITEMS STATED ON THE AGENDA There was no additional late business relating to the items on the agenda.

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APSC28. MINUTES - MEETING OF THE ADVISORY COMMITTEE - 31 OCTOBER 2006

The Chair asked if there were any issues of accuracy or matters arising.

Mr Aspden referred to page 2 of the minutes in relation to the CUFOS building and whether there was any further information in terms of the listed building status.

Ms Myers advised that correspondence received from English Heritage confirmed that that the building was included within the listed building consent for the Palace as a Grade II listed building. In response to questions the Chair commented that the lease would be up for renewal in 2011 and whether or not CUFOS remained and renewed its lease this did not affect the actual status of the building itself, and any future occupant would have to abide by this.

The Chair asked if there were any further points of clarification. Mr Aspden referred to the 5th paragraph on page 2 and the recorded comments contained therein. Mr Aspden felt that these comments did not entirely reflect his expressed view. The Chair asked Mr Aspden to state what his actual sentiments had been. Mr Aspden advised in the following terms:-

“Mr. Aspden expressed his concerns that it had been a specific request from the Committee and that it seemed not to have been taken seriously. This repeated request, *where we seem to be flogging a dead horse*, is being made not just on the grounds of Haringey’s planning procedures but by us as a Statutory Advisory Committee trying to fulfil its defined functions under the 1985 Act (subsequent ref Schedule I Part III 19 (iv)). He pointed out that he was aware of at least one previous such survey having been carried out (that by Oscar Faber in 1996) and that this had *certainly not been accomplished in five minutes*. It was important, therefore, to commission the work “up front” so as to allow sufficient time for it to be produced”.

The Chair asked if Members had any comments.

Councillor Oatway stated that she felt that the minute entry as recorded was accurate in its content and that indeed the minutes that were produced by the Clerk for this Committee were some of the most accurate minutes that the Authority produced. She therefore felt that Mr Aspden’s views should be recorded as an additional comment in the minutes of this meeting rather than as an amendment to the minutes of 31 October 2006. Mr. Aspden expressed himself in agreement with this suggestion and endorsed Councillor Oatway’s comment on the high quality of the minutes produced.

The Committee agreed with Councillor Oatway’s comment as a way forward.

The Chair also referred to the bottom of page 8 of the minutes in respect of Councillor Dobbie’s dissent from the vote and the subsequent discussion with Mr Aspden as to elaborating on the comments. In response to Mr Aspden’s views the Chair commented that the suggested elaboration of this matter could be read as pejorative and critical and that it may be thought that the Committee were picking on one political side of the Committee and not the other, and that it should not be taking sides or becoming embroiled in any political points.

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	<p>Councillor Oatway commented that she concurred with the Chair's comments and that in respect of recording dissent at other meetings of the Authority it was wholly sufficient that just that in itself was recorded and that that dissent in itself spoke volumes.</p> <p>The Chair then asked if there were any further comment. There was none.</p> <p>Mr Aspden referred to page 8 in relation to HLF audit and said that he had emailed Mr Loudfoot his concerns which had been acknowledged. The Chair asked that the item be brought back to the next meeting of the Advisory Committee.</p> <p>RESOLVED</p> <ul style="list-style-type: none">i. that the minutes of the meeting of the Advisory committee held on 31 October 2006 be signed as an accurate record of the proceedings;ii. that the comments expressed by Mr Aspden in relation to the traffic survey as referred to in the discussion of the minutes be noted as an additional comment;iii. that the HLF audit be brought back to the next scheduled meeting of the Committee for consideration.
<p>APSC29.</p>	<p>TO CONSIDER (I)THE DELIBERATIONS OF THE ALEXANDRA PALACE AND PARK BOARD OF 14 NOVEMBER 2006 (TO FOLLOW) IN RELATION TO (II) THE RESOLUTIONS OF THE ADVISORY COMMITTEE OF 31 OCTOBER 2006 (ATTACHED AS REFERENCE)</p> <p>The Chair referred to the circulated response from the Board arising from its meeting on 14 November 2006 in relation to the resolutions of the Advisory Committee of 31 October 2006.</p> <p>The Committee then deliberated on the each of the responses contained and the following is a summary of those deliberations:</p> <p>(i) Resolution 1 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 resolution 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.; to which the response from the Board was:</p> <p>that, as previously stated to the Advisory Committee, in respect of their previous request to the Board that a traffic assessment is undertaken for the entire Alexandra Palace and Park site as part of the Firoka Group's proposals, and that the Alexandra Palace and Park Board be requested to ensure that as part of the planning application process an overall rather than piecemeal traffic assessment of the scheme as a whole be made, the Advisory Committee be advised that this request is not within the remit of the Board to request . It is an issue to be addressed by Firoka to the Planning authority when it makes an application for planning permission.</p> <p>The comments of the Advisory Committee were:</p>

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- That the response clearly showed that the Board had not taken account of the request by the Advisory Committee in terms of the need to ensure the traffic management assessment is of vital importance
- That any application for planning permission would require consideration of the Advisory Committee as it would be referred to the Committee for its views prior to the Board's consideration;
- That there were concerns that planning applications may be 'bounced' on the Advisory Committee with little time for consideration. Although it was viewed that applications of such magnitude were unlikely to be pushed through in such a manner, such concerns should be conveyed to the Planning Authority at this juncture;

(Councillor Hare arrived at 19:52hrs)

- Whether the Advisory Committee may have sight of (a) the 1993 Alexandra Palace and Park : Public Transport Access Study – TecnEcon Economic & Transport Consultants, and (b) the April 1996 – Alexandra Palace and Park : Traffic Assessment – Oscar Faber.

(ii) Resolution 2A - 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; to which the response from the Board was:

The principle behind this advice is substantially accepted. The post of Monitoring Officer will have within its remit the role of monitoring and reviewing the performance by (Firoka) of the covenants contained in the lease, and how these procedures will restrict the use of the leased premises 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, and that the SAC's statutory obligation to promote the objects of the charity will be covered under the residual arrangements of the Charity after the lease was granted. There will also be an employee of the charity who will exercise its continuing role as part of its landlord function.

Exact details of these roles and responsibilities will need to be worked through by the Board as Trustees with the assistance of professional advice.

The comments of the Advisory Committee were:

- That whilst the response from the Board states its acceptance of the Advisory Committee's resolution in actual fact it did not give any detail of the role of the proposed Monitoring Officer as this had yet to be defined;
- That there was a need for such definition of the role of Monitoring Officer prior to the lease transferring of the Firoka Group and that the Advisory Committee should have some understanding of this role;

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At this point Councillor Hare commented on the recent decisions of the Board in terms of the signing up to the agreement and the clear need for the definition of the role of monitoring officer. The Chair reminded Councillor Hare that as a member of the Board but not of this body he had been party to information that should not be disclosed in open session and asked that he note this in any comments to avoid potential conflicts.

- That the Advisory could only note the views expressed by the Board and its dissatisfaction at the detailed lack of response;

(iii) Resolution 2B - 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; to which the response from the Board was:

That the Board advises the Advisory Committee that there will be no change to the role of the Advisory Committee, and it will continue under the existing rules after the lease to the Firoka Group has been granted.

The comments of the Advisory Committee were:

- That the functions of the Advisory Committee in terms of the 1985 Act in respect of its duties to the Board had not be taken account of by the Board. Whilst it was accepted that this applied now it was a fact that, though the Board was currently in control of the asset now, it would not be the case post transfer and therefore there should be dialogue with the future controller of the asset and the Advisory Committee

(iv)Resolution 2C - 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; to which the response of the Board was:

The Board advised the Advisory Committee that there will be no change to the role of the Advisory Committee, and it will continue to exist after the lease to Firoka has been granted.

The comments of the Advisory Committee were:

- That the response failed to answer the expressed views of the Committee to ensure that the proposed lease ensured provision 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

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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.

(v) Resolution 2D - 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; to which the response of the Board was:

That the Board advises the Advisory Committee that its Chair has been provided with such copy draft documentation but that it is not appropriate for the Board to disclose the draft documentation to the Advisory Committee as they contain confidential and commercially sensitive information. The Board also considers that in advancing this request the Advisory Committee is going beyond its remit.

The comments of the Advisory Committee were:

- That the resolution of the Board failed to recognise the need for the Advisory Committee to have sight of the non-confidential parts of the lease in order to comment upon whether the role of the Advisory Committee was recognised ;
- That in an advisory capacity to the Board it was key that the Advisory Committee should have been given the opportunity to view the lease and make appropriate comments;
- That, whilst the Chair of the Committee had received an entire copy of the proposed lease as observer on the Board, the confidentiality of the lease precluded the Chair from being able to discuss its contents; and that the reference to the Chair receiving the lease was in a sense offensive. It was also the case that a Councillor Member of the Committee had requested and obtained an entire copy of said lease but also was precluded from discussing the content;
- That the Hansard debate references of 14 January 2004 as attached to the resolution to the Board clearly stated the intention of the role of the Advisory Committee in respect the future granting of any lease and that such views had been ignored entirely by the Board.

(vi) Resolution 3 - 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; to which the response of the Board was:

That the Advisory Committee be advised that in respect of its request 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, the Advisory Committee be advised that the proposed role of Monitoring Officer to the Trustees will encapsulate a proper and effective monitoring procedure in respect of Firoka's works.

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	<p>The comments of the Advisory Committee were:</p> <ul style="list-style-type: none">• That as with the comments in 2A whilst the comments of the Board were noted there needed to be a clearly defined role for the post of Monitoring Officer and that as yet this had not been determined. <p>In conclusion the Chair summarised and the Committee concurred with the Chair in the following resolution:</p> <p>RESOLVED</p> <p>That the Board's resolutions and responses to the Advisory Committee as outlined in the preamble to this resolution had not satisfied the Advisory Committee that the Board had sufficiently taken account of the Advisory Committee's concern or views and that the Advisory Committee would be making representations to the Charity Commission as detailed in the bullet points as shown in (i) – (vi) above.</p>
<p>APSC30.</p>	<p>TO CONSIDER A COLLECTIVE RESPONSE TO THE CHARITY COMMISSION FROM THE ADVISORY COMMITTEE IN RELATION TO THE SECTION 16 ORDER</p> <p>The Chair referred to the proposed responses to the Charity Commission in respect of the Section 16 Order. The Chair referred the Committee to the Hansard debate of 14 January 2004 and in particular the quoted comments of Fiona McTaggart during that debate which clearly highlighted the future role of the Advisory Committee when any lease was granted. The Chair felt that the sentiments expressed wholly encapsulated the feeling and views of the Advisory Committee and that any response to the Charity Commission should incorporate that view as one the Advisory Committee fully endorsed.</p> <p>The Committee then briefly discussed the proposed Section 16 order as to be published by the Charity Commission and made the following points:</p> <ul style="list-style-type: none">• That in respect of Parts 4(1) & (2) of the Order and the Acts quoted in Part 4(2) the Alexandra Park and Palace Act 1985 had been omitted and that this Act clearly defined the role and duties of the Statutory Advisory Committee, and the duties of the Board also;• That the Charity Commission be advised that this Committee required its intervention in ensuring the admission of the 1985 Act, thereby preserving the role of the Advisory Committee in protecting the role of local residents in the future of the Palace, and its duties as the Statutory Advisory Committee;• That the Charity Commission be informed of the Advisory Committee's concerns that its lack of sight of all or parts of the lease prevented it from making any valued comments in terms of the future development of the asset, and the future role of the Advisory Committee, and that the Charity Commission be requested to request the Board to allow the Statutory Advisory Committee to have sight thereof and to make comment on the lease prior to the Charity Commission's final deliberations; and that the view of the Committee be further expressed that in the future public perception it would be seen that this Committee had expressed the need to see the lease either wholly or in part and that the public would be satisfied that this Committee had attempted to give views on the proposals;

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- That the Charity Commission be advised that the future role of the Advisory Committee had been raised with the Board in January 2006 and subsequently to then but that the role had not been taken account of;
- Whether the Advisory Committee should state to the Charity Commission that it was either in favour broadly with the proposals or expressed that some Members were broadly and others were not broadly in agreement with the proposals;

At this point Councillor Hare commented on issues of the future activities of the Palace and the fact that there were no guarantees as to the future of certain existing functions such as the Organ, and quoted correspondence between the Organ Society and the Trust Solicitor. The Clerk informed Councillor Hare that he was quoting details of a letter between two separate parties, and whilst this letter was also forwarded to Board Members it was not the subject of public discussion and its contents should not be disclosed. The Clerk also reiterated the point made by the Chair in respect of possible conflicts of interest on Councillor Hare's part. Councillor Hare acknowledged the Clerk's comments apologised for this intervention.

- The future role of the Monitoring Officer and the future residual functions of the Trust needed definition but as the Advisory Committee had not been party to the discussions in this respect it was unable to comment;
- That the content of the project agreement and lease should contain a clearly defined role in terms of how planning issues would be managed and the role of the Advisory Committee in ensuring it is fully consulted on such matters in the future.

The Chair then summarised and it was:

RESOLVED

That a response to the Charity Commission in respect of the Section 16 Order be prepared by the Chair on behalf of and in conjunction with Members of the Advisory Committee.

There being no further business to discuss the meeting ended at 20.40HRS.

**D. LIEBECK
CHAIR**

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