

UNRESTRICTED MINUTES OF THE SPECIAL MEETING OF THE ALEXANDRA PALACE AND PARK BOARD

TUESDAY, 20 FEBRUARY 2007 COMMENCING AT 18:30HRS

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

Non-Voting *Ms Paley, Mr Tarpey, Mr Willmott
Representatives:

Observer: *Mr Liebeck

*indicates Members present

Also present: Keith Holder – General Manager Alexandra Palace
David Loudfoot – Facilities Manager Alexandra Palace
Iain Harris – Trust Solicitor
Clifford Hart – Clerk to the Board – LB Haringey

MINUTE NO.

SUBJECT/DECISION

APBO20.	APOLOGIES FOR ABSENCE Apologies for lateness and possible non-attendance were received on behalf of Mr Willmott, and for absence from Mr Tarpey, and Councillor Rainger. NOTED
APBO21.	DECLARATIONS OF INTEREST Nil
APBO22.	URGENT BUSINESS The Clerk advised that in respect of Item 4 – there would be a requirement for officers to state their reasons for urgency when the Board considered the Item. NOTED
APBO23.	CHARITY COMMISSION - PUBLIC REPRESENTATIONS The Chair asked that the reasons for urgency in considering the report be stated by the Trust Solicitor. The Trust Solicitor, Mr Harris, advised the Board that in respect of the report before it there had been a delay in forwarding the report to Members due to late receipt from the Charity Commission of details of public representations and the drafting of a response thereto. Following a brief introduction of the report and the draft response to the Charity Commission by Mr Harris the Chair asked if there were any points or comments

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from the Board.

Councillor Hare commented on a number of aspects of the draft letter including:

- The question of whether the Board should be making decisions in respect of the future of the asset and Mr Harris's response that the Board had had powers delegated to it in respect of making full decisions on its future;
- Concerns that the Counsel advice received from leading Counsel was not entirely correct and that the Authority did contribute and was able to continually contribute to the maintenance and running of the building, and Mr Harris's response that he was not prepared to question the similar views of two leading Counsels. Mr Liebeck recollected the view as to a continuing obligation to the building on behalf of the Authority.

At this point in the proceedings the Chair commented that in his view 'old ground' was being covered and that it was not appropriate to rehash previous comments or arguments. He also advised Mr Liebeck of his position as observer on the Board. The Chair asked that Councillor Hare proceed with his points only if they were new in their content.

Councillor Hare further commented that the closure of the building being an only option should an external third party funding source not being able to take on the building was not the only option, and that other uses were possible.

Mr Liebeck commented on the response at 5.9 as to the involvement and relationship of the SAC to the Board, and that there needed to be a continuing dialogue with the Board and the preferred Partner, as quoted by Fiona McTaggart in a Parliamentary debate on the arrangements for transfer under the lease. In response Mr Harris advised that the requirements of the Act were being met and (para 5.7.5) covered this issue. Mr Liebeck stated that the SAC were not happy and that there was no separate mention of the Statutory Advisory Committee within the lease and no liaison between the preferred bidder and the Community.

Mr Harris further responded that the legally defined link from the Advisory Committee to the Trust would continue and the relationship as defined by the Act was between the Board and the Advisory Committee. This would not alter once the agreement with the Board and the preferred bidder was finalised and he stressed that as now there would be no relationship in operational terms between the Advisory Committee and the lessee; it would be inappropriate and also unnecessary. The lessee was under no obligation to either attend or advise the Advisory Committee. Its relationship was with the Board as Charity Trustees and no other party.

Mr Liebeck commented that it was the view of the Advisory Committee that its role would be worthless and that no account was taken, or would in the future be taken of its role or its expressed views.

The Chair responded that it was not correct to state that the views of the Advisory Committee were not taken account of. Indeed it was the case that the views were reported to and considered by the Board. However it was the case that the Board did not always agree with the expressed view nor take on board what was being recommended from the Advisory Committee but it was wrong to say that

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the Board did not consider the views expressed.

Mr Harris also advised that as an observer to the Board the Chair of the Advisory Committee had been in attendance on behalf of the Committee in January 2006 when the presentation was made by Mr Kassam and his team from the Firoka group.

Councillor Hare further referred to the Museum of Heritage' and the future of the Studios in the south east wing and reference in the letter at 5.2.5. He felt that the letter should not contain such reference and it was inappropriate to do so. He reiterated his comments expressed on 6 February 2006 and previously that in his view, in fairness to the BBC, the BBC was not actually able, within its charter, to enter into such agreements. It was the case that the BBC was not free to spend money in this manner and that the BBC Charter forbade this. He felt that it was unfair and unreasonable for the Board to state that the onus should be placed on the BBC to be the sole funder. Councillor Hare further disputed the accuracy of the statements and the word 'intent'.

The Chair responded that the BBC had shown a complete lack of interest and had had requested just the day before the Board met on 14 November 2006 to agree the lease to be entered into with the Firoka Group to ensure that there was no mention of the BBC anywhere in the lease relating to the future of the Studios or any other heritage celebration facility. Mr Harris concurred with the comments of the Chair.

Councillor Hare commented that it was then the case that the only way the studio museum development could be funded would be from means other than contribution from the BBC or the Board and that those wishing to obtain funding would have a nigh on impossible task to come up with proposed plans for its future and secure funding.

At this point Mr. Holder reiterated the previous comments on the luke warm interest shown by the BBC which had underpinned the approach taken in the submission by Firoka. There had been an attempt made to engage wider media-related interest through a meeting facilitated by OFCOM. Such interest proved difficult to engender and there was no appetite for committing to a feasibility study from those present.

Mr. Holder then turned to the question of "guaranteeing public access to the old studios". He made the point that during the conversion of the building by the BBC in the 1930's the public access to the area housing the studios was removed. The only access now available was through the charity's offices and such a route was not possible for public access. Previous attempts to identify access through the building had been made prior to the building being listed. It was not clear now how much intervention into the historic fabric would be necessary to ensure adequate and safe public access now. It is for these reasons that public access cannot be guaranteed.

Councillor Hare further commented that it was the case that the Ice Rink had been protected and indeed to be possibly moved, and that the future of the Willis organ had been guaranteed. However this was not the case for the BBC studios and it could have very easily have been.

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	<p>Mr. Holder commented that those facilities mentioned already exist. The studios were a concept which to his knowledge no-one had attempted to develop to take matters forward.</p> <p>Following further comments from Mr Liebeck in terms of the adequacy of the existing car parking and the need to ensure a complete traffic survey of the site area prior to any development Mr Harris advised that there would be substantial; planning applications being submitted during the course of the phasing and that at that point traffic surveys would be carried out. Mr Holder also commented that it was the case that when applications were submitted there would be a requirement for environmental impact and traffic impact studies to be carried out. At this stage and in the absence of a clear planning application setting out use, anticipated numbers of public attending, the phasing of that attendance and anticipated “dwell” times it was pointless to have such a survey completed now.</p> <p>The Chair MOVED the recommendations as detailed in the report,.</p> <p>On a VOTE there being 4 for (Councillors Adje, Egan, Peacock and Thompson) and 2 against (Councillors Beacham and Hare) it was:</p> <p>RESOLVED</p> <p>That approval be given to the contents of the draft letter and appended enclosures to be sent to the Charity Commission as detailed in the circulated report, without amendment.</p>
APBO24.	<p>EXCLUSION OR THE PUBLIC AND PRESS</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, and Para 3 – Information relating to the business or financial affairs of any particular person (including the Authority holding that information).</p>
APBO25.	<p>SCOPE OF WORKS AND FEE FOR THE PROPOSED MONITORING SURVEYOR POST TRANSFER OF THE ASSET</p> <p>AGREED RECOMMENDATIONS AS STATED WITHIN THE REPORT</p>

The meeting ended at 19.24hrs.

COUNCILLOR CHARLES ADJE
Chair

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