

**ORDER OF
THE CHARITY COMMISSION FOR ENGLAND AND WALES**

to authorise the trustee to enter into a lease

under the powers given in the

Charities (Alexandra Park and Palace) Order 2004 and the Charities Act 1993

dated

4 May 2007

for the charity known as

ALEXANDRA PARK AND PALACE (281991)

in the

Borough of Haringey, London

ORDER

1 In this Order:

“the lease” means the lease annexed to the Master Agreement exchanged on 24 November 2006 in respect of land at Alexandra Palace for a term of 125 years and between the Mayor and Burgesses of the London Borough of Haringey as trustee of Alexandra Park and Palace, Firoka (Alexandra Palace) Limited, Firoka (Kings Cross) Limited and Alexandra Palace Trading Limited.

“the charity” means the charity identified at the beginning of this Order.

“the trustee” means the Council of the London Borough of Haringey but any duty of the trustee imposed by this Order may be discharged on behalf of the trustee by the members of the Alexandra Park and Palace Board to whom control and management of the administration of the charity has been delegated.

“the project agreement” means the project agreement annexed to the Master Agreement exchanged on 24 November 2006.

“the tenant” means Firoka (Alexandra Palace) Limited.

“the governing documents” means the Alexandra Park and Palace Act 1900, the Alexandra Park and Palace (Public Purposes) Act 1913, the Alexandra Park and Palace Order 1966, the Alexandra Park and Palace Act 1985 and the Charities (Alexandra Park and Palace) Order 2004.

“CUFOS” means the charity registered under number 296940 called Community Use for the Old Station.

2 The Commission being satisfied that:

- (a) the grant of the lease will be within the power to lease conferred by the Charities (Alexandra Park and Palace) Order 2004;
- (b) the grant of the lease represents a proper exercise of that power; and
- (c) the grant is expedient in the interests of the charity;

makes the following Order.

3 The trustee may, subject to compliance with the directions given in clauses 4 to 7 of this Order, grant the lease to the tenant within six months of the date of this Order.

- 4 (1) The trustee shall throughout the term of the lease, frequently and regularly monitor and review the performance by the tenant of the covenants contained in the lease. It must, before the execution of the lease, devise proper procedures for doing so.
- (2) Those procedures shall address in particular,
 - (a) covenants which restrict the use of the leased premises to uses consistent with the governing documents; and
 - (b) covenants preventing the use of the leased premises interfering with the use of the charity's retained land.
- 5 (1) The trustee shall, at the same time as granting the lease, enter into the project agreement.
- (2) The following provisions in the project agreement must not be altered:
 - (a) the requirement to identify the development works to be carried out in suitably defined phases with means to identify the performance (or non-performance) of development obligations and the completion of each phase; and
 - (b) the requirement for a valid guarantee of a suitably secure guarantor in respect of those obligations, as per clause 5(2)(a) above, and the requirement that any cap on the guarantee shall not, in the trustee's reasonable opinion (based on appropriate professional advice), materially prejudice the charity given the risks of non-performance or part performance of each phase and the risk of cost over-runs.
- 6 In respect of any matter relevant to:
 - (1) the exercise or non-exercise of the charity's rights or discretions under the lease or development agreement; or
 - (2) the performance or non performance of any duties of the charity under the lease or project agreement,

the trustee shall ensure that it complies with its obligations to consult the Alexandra Park and Palace Advisory Committee as may be required by section 9 of the Alexandra Park and Palace Act 1985.

- 7
- (1) In this clause “the deed” means the deed abrogating the agreement contained in CUFOS’s existing lease dated 8 February 2002 excluding the application of the security of tenure provisions of sections 24-28 of the Landlord and Tenant Act 1954.
 - (2) The trustee must offer to the trustees of CUFOS the opportunity to execute the deed.
 - (3) If such opportunity is accepted by the trustees of CUFOS, the trustee must take all reasonable steps within their control to execute the deed before granting the lease (described in clause 1) to the tenant (described in clause 1).