

Claimant
Jacob O'Callaghan
First witness statement
Date: 26th July 2007
Exhibit: Claimant's Bundle

IN THE ADMINISTRATIVE COURT

BETWEEN:

JACOB O'CALLAGHAN

Claimant

-and-

THE CHARITY COMMISSION

Defendant

- and-

THE TRUSTEES OF ALEXANDRA PARK AND PALACE

FIROKA (ALEXANDRA PALACE) LTD

FIROKA (KINGS CROSS) LTD

THE ATTORNEY GENERAL

Interested Parties

WITNESS STATEMENT OF JACOB O'CALLAGHAN

I, Jacob O'Callaghan of 4A Bishopswood Road Highgate London N6 4NY, say as follows:

1. I am the claimant in this application. I have had a long association with Alexandra Park and Palace since 1990 as a writer, a resident of the area and voluntary worker for the Hornsey Historical Society, which I represented on the Alexandra Park and Palace's Statutory Advisory Committee (SAC) from 1992 to 2000. I have also been a trustee of the

Alexandra Palace Television Trust since 1994 and later became its secretary. I was a founder member of STEPP (Save the Environment of the Park and Palace) and of the Save Ally Pally campaign.

2. The facts stated below are either within my own knowledge and are true, or are based on information supplied to me, as indicated below, and I believe them to be true.
3. In this witness statement I refer to documents which are in the claimant's bundle with the reference [CB/tab number/ page number].
4. The "Save Ally Pally" Campaign is an unincorporated campaign which has among its objectives those of ensuring that any long lease of the Palace is for charitable purposes only, of safeguarding the original site of the world's first high-definition broadcasting and to preserve the outline of the original studios. It runs a web site, has a mailing list and discussion groups. It does not have a formal membership.
5. I think it would be helpful if I gave a brief history of Alexandra Palace and Park, knowledge of which is based on my research as a writer. The park was opened to the public in 1863 and the palace was built in 1873. They were based on ideas by Owen Jones, an architect for the Crystal Palace, and Lord Brougham, a former Lord Chancellor and campaigner for public education, for a "People's Palace" which was to provide "rational recreation" for the masses. In 1900 the Palace and Park's owner intended to sell it for commercial development, but it was purchased by a consortium of local authorities for the public. The Alexandra Park and Palace (Public Purposes) Act 1900 set up the trust with a duty to keep the Park and the Palace "available for the free use and recreation of the public for ever", and preserving the high-minded educational ideals of Jones and Brougham.
6. In 1935 Alexandra Palace was chosen, because of its elevation, for the site of both the studios and the transmitting aerial of the first high-definition regular public television service in the world, after the Selsdon Committee reported to Parliament. The south-eastern wing was converted to provide

two studios, dressing-rooms, a transmitter room, and offices, and an aerial was erected on top of the former water tower. The Palace thereby became a landmark in world cultural history, as important as Gutenberg's invention of moveable type. As Marshall McLuhan put it, the world after 1936 became a "global village".

7. Although the BBC gave up its lease in 1981, the studios and mast survived the fire and their configurations remain of enormous international interest and importance in terms of industrial, scientific and cultural archaeology. I believe they may well one day be listed as a World Heritage Site.
8. In 1966 the Ministry for Housing and Local Government made the Alexandra Park and Palace Order 1966. The effect of that Order was that the functions of the trustees were transferred to the Greater London Council. The order was challenged in the Courts and it was held that the 1966 Order was valid and that the 1900 Act imposed duties on the trustees which were wholly charitable.
9. In 1980 the GLC transferred the Palace and Park to Haringey Council and paid the council £8.5 million. Later in 1980 parts of the Palace were destroyed by fire and it was rebuilt under its insurance policy. The restoration went hugely over budget. However the eastern part including the BBC studios survived intact.
10. I attach a copy of a submission made by the BBC to English Heritage on 22nd January 2007 [CB/9/300 - 312]. This documents the important broadcasting history of Alexandra Palace. The letter [CB/9/313-315] reveals how important are the details of terms of the lease with Firoka to the concerns of those wishing to protect the original television studios at Alexandra Palace.
11. In 1996 STEPP was instrumental in making representations to the Attorney General which were a factor in his decision not to allow Haringey to claim an indemnity of £50million from the charity. Haringey for some years

refused to accept that they were not entitled to this and continued to wrongly charge interest to the charity funds on it.

12. During my time on the SAC I became concerned that the Trustees were sidelining the charitable, not-for-profit aspects of the Palace, and treating it as if it were a commercial private exhibition and conference centre. In particular they neglected the maintenance of the historic areas so that they, including Studio B, became severely damaged by water. They refused to provide funds for maintenance, saying that there were no funds, which I believe was untrue. They seemed unwilling to let the public into the building for other than commercial purposes.
13. Moreover, the Trustees seemed not to grasp that the building they had custody of was not like other council property. They did not seem to understand they were trustees of a building of London-wide, and in the case of the BBC studios, world-wide importance.
14. Therefore in 1998 I successfully applied for the Palace to be listed on the national list of buildings of special architectural or historic interest. This gave some protection. The trustees had opposed it.
15. I became familiar with the layout of the Studios and associated areas through events arranged there by the Alexandra Palace Television Trust of which I am a trustee and Secretary, and tours for the public conducted around the studios. These were always very popular.
16. In 2003, I again had fears about the proposed alterations to the statutes governing the charity by means of a s 17 Scheme. In particular I feared that it would enable the 1900 purposes to be altered and a for-profit, non-charitable, commercial lease to be authorized. In effect the Scheme would be a *cy-près* one — although there was no evidence justifying it. I had a meeting with Barbara Roche, our constituency MP. She wrote to the relevant Departments. They responded with assurances about the effect of the Scheme and any Order granted by means of it. In addition, with Councillor Dr Hare, a trustee of the charity, I provided background