

The Charity Commissioners
Harmsworth House
13-15 Bouverie Street
London EC4Y 8DP
By fax

our ref: OCA0011
29th June 2007

Dear Sirs

Re: Order of the Charity Commission for England and Wales dated 4th May 2007

Proposed Judicial Review

The proposed Claimant

We act on behalf of Mr J O'Callaghan on his own behalf and on behalf of the campaign to save Alexandra Palace. We are writing this letter in accordance with the pre-action protocol for judicial review.

The Proposed Defendant

The Charity Commissioners
Harmsworth House
13 – 15 Bouverie Street
London EC4Y 8DP

The matter being challenged

The Order of the Charity Commission for England and Wales to authorise the trustee to enter into a lease for the charity known as Alexandra Park and Palace (281991).

The Issue

On 4th May 2007 the Charity Commission made an Order to allow the Trustees of Alexandra Park and Palace, Charity number 281991, to enter into a lease of

Alexandra Palace. That decision turned, in part, on the terms of the proposed lease. It followed a short period of consultation and took into account consultation responses. However, the decision was unlawful in that the proposed lease and related documents were not made available to consultees. Consultees were not, accordingly, able to make full and proper representations within the consultation process. Even now, only a redacted copy of the lease has been made public. Had consultees, including Mr O'Callaghan, been provided with the lease they would have been able to make further material representations including as to whether the lease should be permitted at all and, even if was to be permitted, as to its terms.

It is well established law that to be legally adequate consultation must accord with the following principles:

- Consultation must be at a time when the proposals are still at a formative stage
- The proposer must give sufficient reasons for any proposal to allow the consultee to give an intelligent and considered response
- Adequate time must be given for consideration and response and
- The responses must be conscientiously taken into account in finalising any proposals.

The details of the action that the proposed Defendant is expected to take

We write to ask that the Commission agree within 14 days to withdraw its consent to the lease; alternatively agree that, if a judicial review is commenced, the Commission will submit to judgment and allow their earlier decision to be quashed. If that agreement is not forthcoming, we are instructed to commence judicial review proceedings without further notice.

Request for documents

In addition we would be grateful if you could provide an unredacted copy of the lease and related documents, including the Master Agreement development plans and maps of the area to be leased at the earliest opportunity and, in any event, within 14 days.

Details of Legal advisers dealing with the claim

Kate Harrison, Harrison Grant Solicitors, 15 Wolsey Mews, London NW5 2DX
Tel: 020 7267 6727 Fax: 020 7267 6272

Details of interested parties

We are, of course, copying this to the Trustees and the potential lessee. We are also sending a copy to the Treasury Solicitors.

The Trustees solicitors are Howard Kennedy 19 Cavendish Square London W1A 2AW

The potential lessees' solicitors are Lewis Silkin 5 Chancery Lane Clifford's Inn
London EC4

We look forward to hearing from you by Friday 13th July 2007.

Yours faithfully

Harrison Grant

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24 July 2007

Harrison Grant Solicitors
15 Wolsey Mews
London NW5 2DX

By Fax & Post: 020 7267 6272

Your ref: KH/OCA0011
Our ref: JDL/KED/3393.184/1473726-1

Dear Sirs

Your Client: Mr O'Callaghan
Our Client: Firoka (Alexandra Palace) Limited
Proposed Judicial Review

We refer to your letter dated 19 July 2007 to the Treasury Solicitor, a copy of which you intended to send to us by fax. Unfortunately, the fax number which appears on your letter is not a fax number of this firm. The correct fax number is as indicated below and we should be grateful if you would amend your records accordingly.

As to the timing of any application for judicial review (assuming that your client is given permission), while our client is currently considering its position, it is probable that our client will apply for an expedited hearing. Certainly it is extremely unlikely that it would oppose any such application made by any other party.

With regard to your intention to apply for a protected costs order on behalf of Mr O'Callaghan, in order that we may consider the position with our client, we should be grateful if you would provide us with details of each and every person, company or other body which has contributed or pledged more than £500 in money or money's worth in connection with the proposed judicial review and which forms the basis of your explicit or implicit confirmation that any cost order against Mr O'Callaghan will be satisfied up to a maximum of £10,000. In addition and in relation to each and every party which has provided such a contribution or pledge, please provide full details of any interest which they may have in the outcome of the judicial review or the ability they have to influence the manner in which the application for judicial review will be conducted.

Please provide similar details in respect of the funding of the bringing of the proposed judicial review by Mr O'Callaghan.

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